

Poultry Litter Manure Transfer Incentives Through The Environmental Quality Incentives Program (EQIP)

USDA program participants have a unique opportunity to obtain incentives to utilize poultry litter on their pastures and cropland. Many poultry operations are located in Eastern Oklahoma and they produce a significant amount of poultry litter each year that is normally applied on local farms in their areas. Due to water quality concerns some of the watersheds and scenic rivers are showing signs of water quality issues. Several of these watersheds have been designated by the **Oklahoma Water Resources Board (OWRB)** as "**nutrient limited**". **Nutrient Limited Watersheds** have water quality concerns, such as over application of Phosphorus (P) that currently limit or restrict the land application of poultry litter in many of these watersheds. These watersheds can have a build-up of excess nutrients, especially Phosphorus and Potassium, beyond the normal plant requirements for most crops or grasses. The excess nutrients can leave the fields and enter streams, lakes, and other water bodies.

Poultry litter is a valuable resource that can provide significant amounts of natural fertilizer which include Nitrogen, Phosphorus, and Potassium (N-P-K). These nutrients are the primary nutrients in crop and grass production. **Oklahoma State University Extension Fact Sheet 2246 "Using Poultry Litter as Fertilizer"** states that an average sample of broiler litter in Oklahoma has a nutrient value of 60 lbs./ton of Nitrogen (N), 60 lbs./ton of Phosphorus (P), and 50 lbs./ton of Potassium (K) on an "as is basis". Nutrient value will vary depending on the type of birds, the age of the litter and its moisture content. This will sometimes give other variations of N-P-K. Poultry litter can also help to improve soil quality including organic matter and maintain or increase soil pH.

Through USDA Programs such as the **Environmental Quality Incentives Program (EQIP)** landowners across the state may benefit from "**incentive payments**" which encourage poultry litter to be "**transferred**" to other watersheds in **central and western Oklahoma**. Litter transfer involves the **transportation** of poultry litter from **Nutrient Limited Watersheds (NLW)** to non-nutrient limited watersheds across the state. The economics of litter transfer is based on the need for essential nutrients (N-P-K).

The value of poultry litter should be based on a cost comparison with commercial fertilizer. **At today's prices, Nitrogen (N) costs \$0.36/lb., Phosphorus (P) is \$0.30/lb., and Potassium (K) is \$0.22/lb.** Approximately **40%** of the Nitrogen is lost during the clean-out of litter from the poultry barns, and hauling and spreading the litter to the fields. Using this factor and the average analysis mentioned above, the nutrient content at land application would calculate:

- Nitrogen of **36 lbs/ton** (60 lbs X 60% remaining), Phosphorus of **60 lbs/ton** and Potassium of **50 lbs/ton**.
- Using **current 2005 prices** for N-P-K bought commercially, a **ton of broiler litter would be worth \$41.96/ton** (N-\$12.96, P-\$18.00, K-\$11.00).
- The **cost of litter** will average \$8.00/ton. A truck will haul an average of **23 tons**. The **hauling will cost** about \$3.50/mile. The **spreading will cost** about \$3.00/ton.
- The **total cost per ton** for a 100 mile haul would be about **\$26.21**.

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- You will usually need **two (2) tons/acres** on pastureland and **three (3) tons/acre** on pasture which is used for hay or on cropland. **The cost per acre would be \$52.42 for pasture or \$78.63 for hayland or on cropland.** Please note that the actual poultry litter application rate will depend on the soil fertility levels of N-P-K for each specific field.

The EQIP can help reduce the cost of litter transfer by providing assistance with the cost of transporting the litter. EQIP will pay according to the distance litter is transported. **The EQIP incentive payment based on mileage will be as follows:**

- | | |
|--------------------------------|------------------------------|
| • Up to 25 miles -- \$4.50/ton | Up to 50 miles -- \$7.00/ton |
| • Up to 75 miles -- \$9.50/ton | Over 75 miles -- \$12.00/ton |

The cost for litter hauled 100 miles and spread on pastureland at the rate of two (2) tons per acre with EQIP assistance would be \$32.42 per acre. Given the nutrient value of the two (2) tons of litter per acre the nutrient value would be \$83.92.

Please note: most of the Nitrogen will be used during the growing season (10% will carry over to the next year). The soil will tie up the unused P and K. If litter is applied for several years, the Phosphorus and Potassium will build up to where only N will be needed. Commercial fertilizer nitrogen could be used at that time. Calcium (Lime) and organic matter are additional benefits to poultry litter. No value was shown for these benefits.

The economics are obvious. You pay \$32.42 per acre. You receive \$83.92 of nutrients. Do you know of many other investments that will pay a better return?

The EQIP requires the participant to enter into a contract for the **Manure Transfer Incentives**. The participant provides soil tests for all fields where the manure will be applied. NRCS staff will assist with the development of a "Nutrient Management Plan" for the fields involved. The landowner providing the poultry litter will be expected to provide an analysis of the manure.

Oklahoma State University Extension Fact Sheet 2207, "How to Get a Good Soil Sample" should be used to properly sample each field where poultry litter is to be applied. This fact sheet can be obtained from your local OSU Extension Office or on their website: <http://pods.dasnr.okstate.edu/docushare/dsweb/HomePage>

For more information on the Environmental Quality Incentives Program and Manure Transfer Incentives, please contact your local Natural Resources Conservation Service office. Oklahoma State University has information regarding the "Oklahoma Litter Market" website as follows: <http://biosystems2.okstate.edu/poultry/index.asp>

Disclaimer: Please note that costs associated with Manure Transfer Incentives will vary across the State of Oklahoma. Local factors and prices should be used when determining actual comparisons between the use of animal manure and commercial fertilizers for crop and grass production.

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Poultry Litter Manure Transfer Incentives Through The Environmental Quality Incentives Program (EQIP)

Through the USDA/NRCS Environmental Quality Incentives Program (EQIP), landowners across the state of Mississippi may benefit from "incentive payments" which encourage poultry litter to be "transferred" to other watersheds in the state. Successful implementation of initiatives of this nature helps to reduce the maximum daily loads entering into those watersheds. The economics of litter transfer is based on the need for the major essential nutrients: nitrogen (N), phosphorus (P), and potassium (K), although many additional nutrients are contained in the poultry litter. Successful implementation of this project also has the potential to reduce poultry litter application in areas where it has traditionally been applied in the past and should result in better distribution of these nutrients statewide.

EQIP can help reduce the cost of poultry litter transfer by providing assistance with the cost of transporting the litter. EQIP will pay according to the distance poultry litter is transported. The EQIP incentive payment based on mileage will be as follows:

- 26 to 50 miles ---- \$6.00/ton
- 51 to 75 miles ---- \$9.00/ton
- 76 to 100 miles ---- \$12.00/ton
- 101 to 125 miles -- \$15.00/ton
- 126 to 150 miles -- \$18.00/ton

Potential environmental concerns relative to the management of poultry litter in the "MS Poultry Belt" are becoming a high priority for the State Technical Committee. As a result, a new statewide initiative poultry litter transfer resource concern has been developed in EQIP for implementation in FY 2007. This initiative has two primary objectives:

1. Create an incentive to distribute poultry litter to areas of the state that have historically not used poultry litter as a fertilizer.
2. Promotion of a long-term market for animal manure as a fertilizer around the state.

This initiative is intended to fund incentive payments for the hauling of poultry litter from areas in the state of high concentrations of poultry production to areas of the state with no poultry production. The intent is to encourage a market for poultry litter to be used as a source of fertilizer and organic matter on cropland and pastureland. It should be emphasized to applicants that this project is to cover the costs of hauling the poultry litter only, not the cost of purchasing or loading the poultry litter. Payments are based on the tons of poultry litter hauled and the mileage between the poultry litter source and the receiving farm. Payment will be made only for hauling litter for the purpose of land application at agronomic rates. Land application according to a phosphorus index and a nutrient budget is considered an agronomic rate for the purpose of this initiative. EQIP requires the participant to enter into a 3-year contract for the manure transfer incentives. The participant provides soil tests for all fields where the poultry litter will be applied. NRCS staff will

assist with the development of a "nutrient management plan" for the fields involved. The person providing the poultry litter will be expected to provide an analysis of the poultry litter.

Many poultry operations are concentrated in south central Mississippi (MS Poultry Belt) which produces a significant amount of poultry litter each year. This poultry litter is normally applied on local farms in the area. This concentrates the nutrients in the area where they are primarily land applied to pasture and hayland. In areas where there is not enough available land to properly land apply the nutrients, water quality issues can become a concern. These watersheds can become "nutrient limited" (sensitive to excessive nutrient inputs), and nutrient limited watersheds can develop water quality concerns. These watersheds can have a build-up of excess nutrients, especially P and K, beyond the normal plant requirements for most crops or forages. These excess nutrients can leave the fields and enter streams, lakes, and other water bodies where they can degrade water resources.

Poultry litter is a valuable resource that can provide significant amounts of slow release fertilizer which include N, P, and K. The **Mississippi State University Extension Research Report Vol. 23 No. 5 "Mississippi Broiler Litter: Fertilizer Value and Quantity Produced"** states that an average sample of broiler litter in Mississippi has a nutrient value of 57 lbs. /ton of N, 29 lbs. /ton of P, and 59 lbs. /ton of K on an "as is basis" with 19 percent moisture. Nutrient value will vary depending on the types of birds, the age of the litter and its moisture content. The addition of poultry litter as a soil amendment helps to maintain and sometimes improve the soil's quality by improving soil structure, improving soil water holding capacity, and improving soil nutrient holding capacity. It also improves the soil's ability to supply nutrients for plant uptake with the addition of organic matter and additional plant required nutrients.

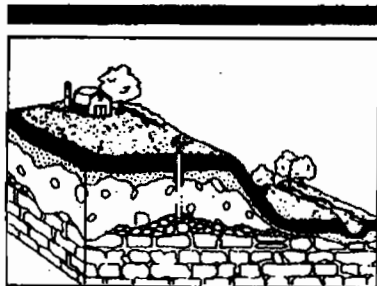
The value of poultry litter should be based on a cost comparison with commercial fertilizer. Based on data from the National Agricultural Statistics Service the southeastern US average prices for fertilizers were: N \$0.36/lb.; P \$0.32/lb.; and K \$0.21/lb (<http://www.nass.usda.gov/index.asp>). Approximately 40 percent of the N is lost during the clean-out of litter from the poultry barns, and hauling and spreading the litter to the fields. With this in mind, all N based agronomic uses for poultry litter should be calculated using roughly 60 percent of the total N concentration per given weight of material. With respect to P and K approximately 80 percent of the total P and 85 percent of the total K concentrations per given weight of material is available for plant uptake within the first growing season. Using these factors and the average broiler litter analysis mentioned above, the nutrient content at the time of land application would be approximately 34 lbs. N/ton; 23 lbs. P/ton; and 50 lbs. K/ton.

Interested persons who would like to participate in the EQIP "Manure Transfer Initiative" can visit their local USDA/NRCS field office to sign up to have poultry litter transferred to their farm. Poultry farmers can contact Mr. Brook Stewart (601) 977-4243 with Mississippi Farm Bureau to register their farm on the poultry clearing houses litter website as a source of poultry litter or visit <http://poultry.msfb.org/poultry/>

Disclaimer: Please note that costs associated with the EQIP "Manure Transfer Initiative" will vary across the State of Mississippi. Local factors and prices should be used when determining actual comparisons between the use of poultry litter and commercial fertilizers for crop and forage production.

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Poultry Manure as a Fertilizer Source

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Poultry manure is an excellent source of nutrients and can be incorporated into most fertilizer programs. Those using manures must practice sound soil fertility management to prevent nutrient imbalances and associated animal health risks, as well as surface-water and groundwater contamination. The key to successful management is to match the nutritional requirements of the crop with nutrients available in the manure. The value of poultry manure varies not only with its nutrient composition and availability, but also with management and handling costs.

Nutrient Composition and Sampling Procedure

The nutrient composition of poultry manure varies with the type of bird, the feed ration, the proportion of litter to droppings, the manure handling system, and the type of litter. Consequently, all manures should be sampled and analyzed for specific nutrient content before you apply them to the land. Waste samples can be analyzed for \$4 by the North Carolina Department of Agriculture (NCDA), Agronomic Division, Plant Analysis Lab, P.O. Box 27647, Blue Ridge Road Center, Raleigh, NC 27611. Other qualified private laboratories can also perform the analysis (fees vary).

Collecting a representative manure sample

is essential to reliable nutrient analysis. The nutrient value of litter varies greatly within the poultry house. To reduce sample variability, collect subsamples of broiler, turkey, and duck litter in 6 to 12 areas of the house. Samples taken around waterers, feeders, and brooders should be proportionate to the space these areas occupy in the house. At each location, collect litter by digging an area down to the earth; be careful, however, not to include soil. Place the subsamples in a plastic bucket, mix thoroughly, and put 2 to 3 pounds of the mixture in a sample container. Samples from stockpiled litter should be taken from at least 6 locations around the pile, all at depths of at least 18 inches. Subsamples should be

Table 1. Average Nutrient Composition of Broiler Manures

Manure Type	Total N	Ammonium NH ₄	Phosphorus P ₂ O ₅	Potassium K ₂ O
			lb/ton	
Fresh (no litter)	26	10	17	11
Broiler house litter ¹	72	11	78	46
Roaster house litter ¹	73	12	75	45
Breeder house litter ¹	31	7	54	31
Stockpiled litter ¹	36	8	80	34

¹Annual manure and litter accumulation; typical litter base is sawdust, wood shavings, or peanut hulls.

Source: Biological and Agricultural Engineering Department, NCSU.

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mixed and submitted as suggested for litter from poultry houses.

To increase sample uniformity in poultry manure slurries and lagoon sludges, stir them before sampling. Within an anaerobic lagoon, liquids are relatively uniform above the sludge zone; nevertheless, take several subsamples and combine them.

If you cannot have the manure analyzed, use the mean nutrient values for your specific type of poultry manure found in Tables 1 through 4. Table 5 gives the average values for the secondary and micro-nutrients ordinarily listed in the manure analysis report.

When using mean values for manure nutrient composition, exercise caution to avoid over- or under-fertilization. Also, after several years, elements such as copper or zinc may accumulate and reach very high levels. To avoid these problems, take an annual plant tissue and a biennial soil sample to monitor nutrient levels.

Nutrient Availabilities

Except for nitrogen, the availability of most nutrients in poultry manures is fairly consistent. Nitrogen can occur in several forms, each of which can be lost when subjected to different management or environmental conditions.

Nitrogen in poultry wastes comes from uric acid, ammonia salts, and organic (fecal) matter. The predominant form is uric acid, which readily transforms to ammonia (NH_3), a gaseous form of nitrogen that can evaporate if not mixed into the soil. When it is thoroughly mixed, the ammonia changes to ammonium (NH_4^+), which can be temporarily held on clay particles and organic matter. Thus, soil mixing can reduce nitrogen losses and increase the amount available to plants.

Table 6 lists the first-year nutrient availability coefficients for

Table 2. Average Nutrient Composition of Layer Manures

Manure Type	Total N	Ammonium $\text{NH}_4\text{-N}$	Phosphorus P_2O_5	Potassium K_2O
lb/ton				
Fresh (no litter)	26	6	22	11
Undercage scraped ¹	28	14	31	20
Highrise stored ²	38	18	56	30
lb/1,000 gallons				
Liquid slurry ³	62	42	59	37
Anaerobic lagoon sludge	26	8	92	13
lb/acre-inch				
Anaerobic lagoon liquid	179	154	46	266

¹Manure collected within two days.

²Annual manure accumulation on unpaved surfaces.

³Six-12 months' accumulation of manure, excess water usage, and storage-surface rainfall surplus; does not include fresh water for flushing.

Source: Biological and Agricultural Engineering Department, NCSU.

Table 3. Average Nutrient Composition of Turkey Manures

Manure Type	Total N	Ammonium $\text{NH}_4\text{-N}$	Phosphorus P_2O_5	Potassium K_2O
lb/ton				
Fresh (no litter)	27	8	25	12
Brooder house litter ¹	45	9	52	32
Grower house litter ²	57	16	72	40
Stockpiled litter ³	36	8	72	33

¹Based on cleanout after each flock.

²Based on annual cleanout after full production.

³Based on annual house accumulation removed to uncovered stockpile to be spread within six months.

Source: Biological and Agricultural Engineering Department, NCSU.

Table 4. Average Nutrient Composition of Duck Manures

Manure Type	Total N	Ammonium $\text{NH}_4\text{-N}$	Phosphorus P_2O_5	Potassium K_2O
lb/ton				
Fresh (no litter)	28	5	23	17
House litter ¹	19	3	17	14
Stockpiled litter ²	24	5	42	22

¹Annual manure and litter accumulation; typical litter base is wood shavings.

²Annual house accumulation removed to uncovered stockpile to be spread within six months.

Source: Biological and Agricultural Engineering Department, NCSU.

*Poultry Manure as a Fertilizer Source***Table 5. Average Secondary and Micronutrient Content of Poultry Manures**

Manure Type	Ca	Mg	S	Na	Fe	Mn	B	Mo	Zn	Cu
lb/ton										
Layer										
Undercage scraped	43.0	6.1	7.1	4.5	0.52	0.27	0.050	0.00390	0.32	0.036
Highrise stored	86.0	6.0	8.8	5.0	1.8	0.52	0.046	0.00038	0.37	0.043
Broiler Litter										
Broiler house	41.0	8.0	15.0	13.0	1.3	0.67	0.054	0.00085	0.63	0.45
Roaster house	43.0	8.5	14.0	13.0	1.6	0.74	0.049	0.00082	0.68	0.51
Breeder house	94.0	6.8	8.5	8.6	1.3	0.57	0.035	0.00048	0.52	0.21
Stockpiled	54.0	8.0	12.0	6.2	1.5	0.59	0.041	0.00069	0.55	0.27
Turkey Litter										
Brooder house	28.0	5.7	7.6	5.9	1.4	0.52	0.047	0.00081	0.46	0.36
Grower house	42.0	7.0	10.0	8.4	1.3	0.65	0.048	0.00092	0.64	0.51
Stockpiled	42.0	6.8	9.5	6.4	1.5	0.62	0.047	0.00095	0.56	0.34
Duck Litter										
Duck house	22.0	2.7	3.1	2.8	.98	0.31	0.021	0.00040	0.26	.056
Stockpiled	27.0	4.4	5.6	8.8	1.2	0.47	0.030	0.00030	0.47	.050
lb/1,000 gallons										
Layer										
Liquid slurry	35.0	6.8	8.2	5.3	2.9	0.42	0.040	0.018	0.43	0.080
Lagoon sludge	71.0	7.2	12.0	4.2	2.2	2.3	0.082	0.014	0.80	0.14
lb/acre-inch										
Layer										
Lagoon liquid	25.0	7.4	52.0	51.0	2.0	0.24	0.37	0.020	0.70	0.19

various poultry manures. Determine the available nutrients by multiplying these values by the nutrient composition values listed on the waste analysis report or in Tables 1 through 4. The NCDA's Agronomic Division calculates available nutrients and lists them in its report.

Application Rate

Land application rates are generally determined by matching the available nitrogen or phosphorus content of the waste to the nutrient requirements of the crop. In most cases, nitrogen requirements determine the application rate, unless the area is designated "nutrient sensitive" and

indicates that phosphorus movement off-site can lead to eutrophication of surface waters. In nondesignated areas, phosphorus movement can be adequately controlled with conservation measures such as grass field borders, grassed waterways, contour planting, and reduced tillage, which minimize soil and residual manure movement. Leaching of phosphorus is extremely limited on mineral soils and should not contribute to ground-water contamination.

Nitrogen recommendations for various crops are listed in Table 7. Use these rates as guidelines with realistic yield capabilities for the crop and field. With feed and forage crops, excessive manure application

can produce high nitrate concentrations, which can harm livestock (through nitrate poisoning) and promote nutrient imbalances that may lead to grass tetany. If loading rates are to be based on phosphorus, apply the amount suggested by soil-test recommendations. Because the manure may not supply adequate amounts of all the other nutrients required by the crop, be sure to take a soil test and, if necessary, supplement with commercial fertilizer.

In addition to monitoring nutrients, be sure to maintain an adequate soil pH, which will help to maximize crop yields and nutrient availability

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and promote the decomposition of organic matter. The biological conversion of organic matter to nitrate is an acid-forming process. Take annual or biennial soil samples to monitor pH changes. When livestock wastes are applied at agronomic rates, high salinity (excess salt) has not been a problem, given normal amounts of rainfall in North Carolina.

A worksheet to help you determine land application rates is included at the end of the text.

Timing and Uniformity of Manure Applications

To minimize nitrogen losses, apply manure as near as possible to planting time or to the crop growth stage during which nitrogen is most needed. Surfacewater and groundwater contaminations are greater in areas of high rainfall and when manures for spring crops are applied in fall or winter. For coarse-textured soils, manures should be applied frequently and at low rates throughout the growing season because such soils have a high water infiltration rate and a low ability to hold nutrients. Unused nitrogen can therefore be lost by leaching.

Exercise caution when applying lagoon liquid by irrigation on crops undergoing stress (for example, corn during an extended drought). A heavy coating of manure solids on the leafy vegetation can cause ammonia burn. Except in extreme cases, this damage is usually short term and does not significantly reduce yields. With concentrated lagoon liquids, use several small applications rather than one large dose.

Whether poultry waste is applied by manure spreaders or irrigation systems, you *must* apply it uniformly. A lack of uniformity leads to nutrient excesses and deficiencies, lower yields, and variable crop moisture at harvest time.

Table 6. First-Year Nitrogen Availability Coefficients for Different Poultry Manures

Manure Type	Soil			
	Injection ¹	Incorporation ²	Broadcast ³	Irrigation ⁴
P ₂ O ₅ and K ₂ O availability coefficients				
All manure types	0.8	0.8	0.7	0.7
N availability coefficient				
All poultry litters ⁵	—	0.6	0.5	—
Layers (no litter)	—	0.6	0.4	—
Layer anaerobic lagoon sludge	0.6	0.6	0.4	0.4
Layer anaerobic liquid slurry	0.8	0.7	0.4	0.3
Layer liquid lagoon	0.9	0.8	0.5	0.5

¹Manure injected directly into soil and covered immediately.

²Surface-spread manure plowed or disked into soil within two days.

³Surface-spread manure uncovered for one month or longer.

⁴Sprinkler-irrigated liquid uncovered for one month or longer.

⁵Includes in-house and stockpiled litters.

Table 7. Nitrogen Fertilization Guidelines

Commodity	lb N/RYE ¹
Corn (grain)	1.0 - 1.25 lb N/bu
Corn (silage)	10 - 20 lb N/ton
Cotton	0.06 - 0.12 lb N/lb lint
Sorghum (grain)	2.0 - 2.5 lb N/cwt
Wheat (grain)	1.7 - 2.4 lb N/bu
Rye (grain)	1.7 - 2.4 lb N/bu
Barley (grain)	1.4 - 1.6 lb N/bu
Triticale (grain)	1.4 - 1.6 lb N/bu
Oats	1.0 - 1.3 lb N/bu
Bermudagrass (hay ^{2,3})	40 - 50 lb N/dry ton
Tall fescue (hay ^{2,3})	40 - 50 lb N/dry ton
Orchardgrass (hay ^{2,3})	40 - 50 lb N/dry ton
Small grain (hay ^{2,3})	50 - 60 lb N/dry ton
Sorghum-sudangrass (hay ^{2,3})	45 - 55 lb N/dry ton
Millet (hay ^{2,3})	45 - 55 lb N/dry ton
Pine and hardwood trees ⁴	40 60 lb N/acre/year

¹RYE = Realistic Yield Expectation

²Annual maintenance guidelines

³Reduce N rate by 25 percent when grazing.

⁴On trees less than 5 feet tall, N will stimulate undergrowth competition.

*Poultry Manure as a Fertilizer Source***Table 8. Minimum Amount of Land Needed to Apply Poultry Manure as a Nitrogen Fertilizer Source (Based on the Nitrogen Rate Required by the Crop)**

Manure Handling and Production Unit	Soil Incorporated ¹				Surface Broadcast ²			
	lb N/acre/year							
	100	200	300	400	100	200	300	400
Annual acres/1,000 bird single capacity								
Layer								
Undercaged scraped	4.80	2.40	1.60	1.20	3.00	1.50	1.00	0.75
Highrise scraped	4.30	2.15	1.43	1.07	2.60	1.30	0.87	0.65
Liquid manure/slurry	6.70	3.35	2.23	1.68	4.00	2.00	1.33	1.00
Anaerobic lagoon sludge	0.71	0.35	0.24	0.18	0.56	0.28	0.19	0.14
Anaerobic lagoon liquid	0.87	0.43	0.29	0.22	0.84	0.42	0.28	0.21
Broiler Litter								
Broiler house	2.40	1.20	0.80	0.60	1.96	0.98	0.65	0.49
Roaster house	4.30	2.15	1.43	1.08	3.60	1.80	1.20	0.90
Breeder house	4.70	2.35	1.57	1.18	3.20	1.60	1.07	0.80
Stockpiled	1.20	0.60	0.40	0.30	0.92	0.46	0.31	0.23
Turkey Litter								
Poult house	1.40	0.70	0.47	0.35	1.08	0.54	0.36	0.27
Brooder house	8.10	4.05	2.70	2.02	5.60	2.80	1.87	1.40
Grower hen house	5.70	2.85	1.90	1.43	4.00	2.00	1.33	1.00
Grower tom house	8.60	4.30	2.87	2.15	6.00	3.00	2.00	1.50
Stockpiled								
Poult	0.94	0.47	0.31	0.23	0.76	0.38	0.25	0.19
Hen	3.00	1.50	1.00	0.75	2.40	1.20	0.80	0.60
Tom	4.50	2.25	1.50	1.13	3.60	1.80	1.20	0.90
Duck Litter								
Duck house	3.00	1.50	1.00	0.75	2.20	1.10	0.73	0.55
Stockpiled	1.50	0.75	0.50	0.38	1.08	0.54	0.36	0.27

¹Incorporated within two days²Not incorporated for at least 1 month**Acreage Requirements for New Facilities**

Whenever manure or lagoon liquid samples are available for analysis, they should be used to determine application rates and acreage requirements. When you are planning new facilities, however, the average values can help determine approximate acreage requirements for a poultry operation of a given size.

Table 8 gives minimum acreage requirements for various nitrogen fertilization rates. This table can be used to estimate the minimum acreage required to use all of the manure.

Suppose that a producer is interested in building two broiler houses with a combined 50,000 bird capacity/growout. The producer is planning to spread this litter on a bermudagrass hay field capable of

producing 6 dry tons per acre. From Table 7, the bermudagrass will require 300 lb nitrogen per acre (6 tons x 50 lb N/dry ton). How many acres of bermudagrass would be needed for the entire year's waste? Using Table 8, under surface broadcast column 300, we find that each 1,000-bird capacity would require 0.65 acres for land application of broiler litter. For a 50,000-bird growout operation (0.65 x 50), the

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producer would need 32.5 acres for a year's worth of litter.

Value of Manure

When comparing manure to commercial fertilizers, convert total manure nutrients to available nutrients by using the availability coefficients. Consider the following example. Analysis of the available nitrogen, phosphorus (P_2O_5), and potassium (K_2O) content in a broiler litter sample that will be incorporated shows that it contains 43 pounds of nitrogen per ton, 62 pounds of phosphate per ton, and 37 pounds of potash per ton. The current fertilizer prices for nitrogen, phosphate, and potash are as follows: \$0.23 per pound of nitrogen; \$0.22 per pound of phosphate; and \$0.12 per pound of potash as potassium chloride. One ton of broiler litter would be worth the following:

$$(43 \times \$0.23) + (62 \times \$0.22) + (37 \times \$0.12) = \$27.97 \text{ per ton}$$

This value does not cover hauling, handling, or application costs, nor does it include the value of other essential nutrients available in the manure. In addition, it assumes that the soil test has recommended each nutrient, when, in fact, many may not be needed. Nutrients not needed should not be considered when you assess the manure's value.

Land Application Worksheet

Farmer Jones is preparing to spread broiler litter on a field and incorporate it within two days to supply nutrients to his corn crop. Last year, he grew soybeans in the field.

His corn-yield goal is 140 bushels per acre, and he has decided to apply the equivalent of 140 pounds of nitrogen per acre (Table 7). His land is not subject to erosion, is not in a nutrient-sensitive watershed, and has grassed borders and waterways to further reduce the potential of

Table 9. Estimated Residual Nitrogen Provided by Legumes Grown in Rotation

Legume ¹	Residual Nitrogen Available
	lb/acre
Alfalfa ²	80 - 100
Harry vetch ²	80 - 100
Crimson clover ²	60 - 75
Austrian winter pea ²	50 - 60
Soybeans ³ harvested for seed	15 - 30
Peanuts ³ harvested for seed	20 - 40

¹Assumes good stand.

²Killed before planting current spring crop.

³Legume planted in previous year or season. More nitrogen available if fall-planted crop immediately follows legume; less nitrogen available with spring-planted crop.



Figure 1. One way to apply poultry manure is to use a litter spreader.

runoff.

Farmer Jones used a starter fertilizer on his corn crop at a rate to supply 10 pounds of nitrogen per acre and 34 pounds of phosphorus per acre. He intends to supply the rest of his nitrogen needs by applying broiler litter with a litter spreader (Figure 1) and incorporating it within two days.

How much litter does he need to spread in order to meet the nitrogen needs of his corn crop? Will he need

to supplement the crop with additional potash or phosphate to satisfy his soil-test recommendations of 50 pounds per acre of each nutrient? The answers are given in the following worksheet. Use Table 9 to estimate available nitrogen carry-over from legumes.

*Poultry Manure as a Fertilizer Source***Worksheet: Determining the Nutrient Needs of Your Crop**

	Example	Your Farm
1. Crop to be grown	<u>corn</u>	<u> </u>
2. Total nutrients required		
a. N (Table 7) (lb/acre)	<u>140</u>	<u> </u>
b. P_2O_5 (soil test) (lb/acre)	<u>50</u>	<u> </u>
c. K_2O (soil test) (lb/acre)	<u>50</u>	<u> </u>
3. Pounds of starter or preplant fertilizer used		
a. N (lb/acre)	<u>10</u>	<u> </u>
b. P_2O_5 (lb/acre)	<u>34</u>	<u> </u>
c. K_2O (lb/acre)	<u>0</u>	<u> </u>
4. Residual N credit from legumes (Table 9) (lb/acre)	<u>20</u>	<u> </u>
5. Net nutrient needs of crop (lb/acre)		
Nitrogen: total need (item 2a) minus additional N from starter (item 3a) minus legume residual (item 4)		
a. N: $140 - 10 - 20$ (lb/acre)	<u>110</u>	<u> </u>
Phosphorus and potassium: total need (items 2b and 2c) minus additional nutrients from starter (items 3b and 3c)		
b. P_2O_5 : $50 - 34$ (lb/acre)	<u>16</u>	<u> </u>
c. K_2O : $50 - 0$ (lb/acre)	<u>50</u>	<u> </u>
6. Nutrient totals in manure. If analysis report already gives available nutrients, skip this item.		
a. Total N (Tables 1-4 or waste samples) (lb/ton)	<u>72</u>	<u> </u>
b. P_2O_5 (lb/ton)	<u>78</u>	<u> </u>
c. K_2O (lb/ton)	<u>46</u>	<u> </u>
7. Nutrients available to crop (items 6a, 6b, and 6c) times availability coefficients (Table 6). If analysis report already gives available nutrients, fill in those numbers.		
a. Available N: 72×0.6 (lb/ton)	<u>43.2</u>	<u> </u>
b. Available P_2O_5 : 78×0.8 (lb/ton)	<u>62.4</u>	<u> </u>
c. Available K_2O : 46×0.8 (lb/ton)	<u>36.8</u>	<u> </u>
8. Application rate to supply priority nutrient		
a. Priority nutrient	<u>nitrogen</u>	<u> </u>
b. Amount of priority nutrient needed (lb/acre from item 5a)	<u>110</u>	<u> </u>
c. Rate of manure needed to supply priority nutrient (item 8b) divided by (item 7a): $110/43.2$ (tons/acre)	<u>2.55</u>	<u> </u>

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Worksheet (continued)

Rate of Manure to Apply

	Example	Your Farm
9. Pounds per acre of all nutrients supplied at the application rate required to meet the needs for the priority nutrient: for each nutrient, enter the available nutrients (items 7a, 7b, and 7c) times manure rate (item 8c)		
a. N supplied: 43.2×2.55 (lb/acre)	110	
b. P_2O_5 supplied: 62.4×2.55 (lb/acre)	159	
c. K_2O supplied: 36.8×2.55 (lb/acre)	94	
10. Nutrient balance: net nutrient need (-) or excess (+) after application of manure at calculated rate. Subtract the net nutrient needs of the crop (items 5a, 5b, and 5c) from the nutrient rate applied (items 9a, 9b, and 9c).		
a. N balance: $110 - 110$ (lb/acre)	0	
b. P_2O_5 balance: $159 - 16$ (lb/acre)	+143	
c. K_2O balance: $92 - 50$ (lb/acre)	+44	

Note: Calculation format modified from Pennsylvania Department of Environmental Resources, *Field Application of Manure*, October 1986.

Prepared by

J. P. Zublena, Extension Soil Science Specialist;
J. C. Barker, Extension Agricultural Engineering Specialist; and
T. A. Carter, Extension Poultry Science Specialist.

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Using Poultry Litter as Fertilizer

Hailin Zhang
Waste Nutrient Management Specialist

Douglas W. Hamilton
Waste Management Specialist

James G. Britton
Area Poultry Specialist

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<http://osufacts.okstate.edu>

Poultry litter is an excellent, low cost fertilizer if used properly. Land application of litter returns nutrients and organic matter to the soil, building soil fertility and quality. In addition to the micronutrients, N, P and K, poultry manure contains calcium, magnesium, sulfur, and other micronutrients.

Land application of poultry manure should be managed to recycle plant nutrients rather than for disposal. Increasing environmental concerns about agricultural non-point source pollution make it imperative that poultry farmers use poultry litter in the manner most beneficial for the environment – both on and off the farm. Steps to proper litter management are:

1. Determine crop nutrient requirement based on a realistic yield goal.
2. Determine the nutrient content of litter.
3. Determine the fraction of litter nutrients available to the crop in the first year of application.
4. Determine litter application rate to supply crop nutrient needs.
5. Determine supplemental nutrients needed for maximum crop growth.

These steps will assure that the proper amount of litter is applied. Avoiding excess litter application protects water quality.

Crop Nutrient Requirement

Poultry litter should not be applied to soil beyond the limits of the growing crop's nutrient needs. This will ensure efficient use of manure nutrients and minimize nutrient leaching or runoff into the surface and ground water systems. Any soils scheduled to receive poultry litter should first be tested to determine fertility level. Periodic soil testing is recommended to monitor the nutrient supplying capability of the soil. Fertilizer recommendations based on soil test results are the only reliable way to determine the crop nutrient requirement.

Soil testing is available through OSU Soil, Water and Forage Analytical Laboratory in Stillwater, as well as, a number of commercial laboratories. Crop nutrient needs are given in the interpretations and requirements section of the soil test report. You can also determine crop nutrient needs using Extension

Facts PSS-2225, OSU Soil Test Interpretations. Contact the local extension office for instructions and supplies for taking and submitting soil samples.

Fertilizer Value of Litter

The nutrient content of poultry litter varies quite a bit. Fertilizer value depends on the type of birds, age of the litter, and litter moisture content. It is always a good idea to take a sample and test the litter for nutrients prior to cleaning out a house. Use the test results to calculate how much litter to apply to fields.

Litter samples should be representative of the house or litter pile in the storage. See OSU Extension Facts PSS-2248, Sampling Animal Manure for Analyses for details of manure sampling. Results are reported as pounds of nutrient per ton on a "dry" and "as is" basis. "As is" means the amount of nutrients per ton at the moisture content when the sample was taken. Normally, "as is" numbers are used for rate calculation. Table 1 shows "as is" fertilizer values from a number of studies. As you can see, the values cover quite a range. Much of the variability is due to moisture content. You can overcome the moisture factor by using the "as is" values and calibrating spreading equipment based on weight of material actually spread.

Table 1. "As is" Broiler Litter Fertilizer Concentrations.

Source	Total N	P ₂ O ₅	K ₂ O
	lb/Ton		
Arkansas	56	48	36
Oklahoma	57	62	49
Missouri	54	26	32
Delaware	59	64	41
Alabama	78	74	50
Georgia	70	30	44
Tennessee	67	71	47
Texas	67	62	46
Average	64	55	43

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Availability of Litter Nutrients to Crops

The values listed in Table 1 are total nutrients in litter. These are not equivalent to nutrients in commercial fertilizer because not all the nutrients listed on a manure analysis report are readily available to a crop in the year of application. Some elements are released when organic matter is decomposed by microorganisms. Nitrogen may be lost to the atmosphere by ammonia volatilization and denitrification, or lost below the root zone through leaching.

Nitrogen availability during the year of application varies greatly and ranges from about 30 to 80 percent. Nitrogen is present in both organic and inorganic forms. Organic Nitrogen must be converted (mineralized) into inorganic nitrogen to become available to plants. The amounts of organic N converted to plant-available forms during the first cropping year after application vary according to environmental conditions and manure handling systems. About 25% to 50% of the organic N becomes available during the year of application. All of the inorganic N, ammonium-N ($\text{NH}_4\text{-N}$) and nitrate-N ($\text{NO}_3\text{-N}$), is readily available to plants. However, if litter lays exposed on the soil surface, considerable $\text{NH}_4\text{-N}$ may be released to the air as ammonia (NH_3) gas. Ammonium worked into the soil is subject to nitrification (rapid conversion to $\text{NO}_3\text{-N}$). Nitrate-N is readily available to plants, but if excess water is present, it can be lost through leaching or denitrification (conversion of $\text{NO}_3\text{-N}$ to N_2 gas). Combining inorganic N, and N available from organic N, gives the total N available to crops. This is sometimes called plant available nitrogen, PAN.

Table 2 shows the approximate availability of nitrogen in the first three years after application. Notice that more nitrogen is available for plant use if the litter is incorporated into the soil soon after application. Incorporation reduces ammonia volatilization losses.

Few studies have been done on P and K availability in poultry litter; however, availability is considered to be about 80-100 % of P and K available in commercial fertilizer. In general, 90% availability is assumed when determining an application rate based on P.

Application Rate

Land application rates should be based on the nutrient requirement of the crop. Too little manure application will not provide sufficient nutrients for the desired crop production. Excess nutrients are a waste of resources, resulting in soil phosphorus buildup which may cause water contamination.

Soil testing, litter analysis, and proper estimation of yield goal are necessary to calculate proper agronomic application rates of litter. Develop a manure nutrient management plan that consumes manure nutrients, then supplement with com-

Table 2. Estimated Poultry Litter Nitrogen Availability Based on Application Method.

Year after Application	Surface Application	Soil Incorporation
First Year	50%	60%
Second Year	15%	15%
Third Year	6%	6%

mercial fertilizers to balance crop needs. Follow the steps in the attached worksheet to calculate application rate. Nitrogen credits should be given to previous years' applications in Step 1b if litter is applied to the same field continuously.

Application Timing

Proper timing of litter application is essential for efficient use of nutrients and pollution prevention. Litter should be applied as near to field crop planting dates and as close to the forage crop growing season as possible. Applying manure outside of crop growth periods decreases nutrient availability, and may increase the risk to environmental quality.

Grasses or pasture offer some flexibility when crop fields are not available. Litter applied during spring provides starter nutrients and releases mineralized nitrogen throughout the growing season. Applying litter in the fall generally results in greater nutrient loss than does spring application, especially if the litter is not incorporated. Early fall application may be desirable to supply nutrients to cool season grasses. Winter application is the least desirable because litter must remain on the soil surface for 3 to 4 months ahead of the crop's active growing period.

Benefits of Application

Fifty pounds of nitrogen per acre is needed to produce one ton of grass forage. This is true whether the nitrogen comes from commercial fertilizer or poultry litter. Poultry litter has been shown to improve the quality of forage, as well as increase yields. Table 3 compares effects of poultry litter and commercial nitrogen fertilizer on the production of Bermuda grass in southeastern Oklahoma. Poultry litter not only increased forage yields but also increased protein content over control and commercial fertilizer plots. Higher yields and protein content at similar rates of litter and commercial fertilizer may result from the fact that litter provides a slow release nitrogen fertilizer, improves soil quality, and reduces soil acidity.

Table 3. Average Forage Yield and Crude Protein Content of Bermuda Grass in Southeastern Oklahoma at Four Nitrogen Treatments.

Treatment	Forage Yield Tons/Acre	Crude Protein %
No N	2.77	8.0
300 lbs/Acre Ammonium Nitrate (96 lbs Total N/Acre)	3.44	8.8
2 Tons/Acre Poultry Litter (approximately 130 lbs Total N/Acre)	3.54	11.4
4 Tons/Acre Poultry Litter (approximately 260 lbs Total N/Acre)	4.82	12.6

Poultry Litter Application Rate Calculation Work Sheet

Example:		Your numbers:				
1a	Nutrient needs of crop (lbs/acre) Recommendations based on soil test results and a realistic yield goal.	N	=	200	N	=
		P ₂ O ₅	=	80	P ₂ O ₅	=
		K ₂ O	=	40	K ₂ O	=
1b	Nutrients carried over in last 2 years' applications (lbs/acre) See Table 2.	N	=	25	N	=
		P ₂ O ₅	=	0	P ₂ O ₅	=
		K ₂ O	=	0	K ₂ O	=
1c	Nutrient needs to meet with litter Subtract line 1b from line 1a.	N	=	175	N	=
		P ₂ O ₅	=	80	P ₂ O ₅	=
		K ₂ O	=	40	K ₂ O	=
2	Total nutrients available in litter (lb/ton) Based on litter analysis of representative sample collected close to time of application.	N	=	64	N	=
		P ₂ O ₅	=	55	P ₂ O ₅	=
		K ₂ O	=	43	K ₂ O	=
3	Determine available nutrients (lb/ton) Multiply the value in step 2a by availability, 50% for N and 90% for P and K.	N	=	32	N	=
		P ₂ O ₅	=	50	P ₂ O ₅	=
		K ₂ O	=	39	K ₂ O	=
4a	Calculate application rates to supply N, and P₂O₅ needs (tons/acre) Divide values from Step 1c by values from Step 3.	N	=	5.5	N	=
		P ₂ O ₅	=	1.6	P ₂ O ₅	=
4b	Choose between N or P₂O₅ application rate (tons/acre) Select highest rate in Step 4a to use litter as complete fertilizer. Select lowest rate to maximize nutrient use.	Rate	=	1.6	Rate	=
		(based on P)				
5a	Determine amount nutrients applied at chosen rate (lbs/acre) Multiply the rate chosen in step 4b by available nutrients in step 3.	N	=	51	N	=
		P ₂ O ₅	=	80	P ₂ O ₅	=
		K ₂ O	=	62	K ₂ O	=
5b	Determine supplemental nutrients (lbs/acre) Subtract the nutrients applied, step 5a from nutrients needed, step 1c. If the difference is negative, enter 0.	N	=	124	N	=
		P ₂ O ₅	=	0	P ₂ O ₅	=
		K ₂ O	=	0	K ₂ O	=

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OKLAHOMA
POULTRY FEEDING OPERATIONS
POULTRY WASTE APPLICATOR
POULTRY WASTE TRANSFER
REGULATIONS
AND
ACTS

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
AGRICULTURAL ENVIRONMENTAL MANAGEMENT SERVICES
2800 NORTH LINCOLN
P. O. BOX 528804
OKLAHOMA CITY, OK 73152-8804
(405) 522-5492

EXHIBIT

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ceased to function or to be inactive in the following circumstances:

(A) The facility is closed by the Department because of repeated violations which result in the filing of a Board order to cease operations.

(B) The owner is unable to furnish documentation to show that there has been receipt of animal waste into the retention structure during the previous twenty-four (24) months.

(2) The Department shall be notified in writing within ninety (90) calendar days of cessation of operation of an animal waste retention structure. Closure of all retention structures shall commence within six (6) months and be completed within one (1) year of cessation of operations. Closure shall be in accordance with a closure plan approved by the Department. Any extension of time for closure shall be requested in writing by the owner and approved by the Department. A legal change other than a transfer of the owner of any animal waste retention structure shall not extend the time limit for closure.

(A) Liquid contents of a waste retention structure may be pumped out and land applied according to Department rules.

(B) Solids from the waste retention structure shall be removed and disposed of in an environmentally safe manner.

(C) Sludge from the bottom of the waste retention structure shall be removed without compromising the integrity of the liner. Sludge may be land applied according to Department rules.

(3) Exemption from closure and transfer of responsibility for any animal waste retention structure to any other party shall be requested in writing for approval by the Department.

[Source: Added at 15 Ok Reg 102, eff 10-13-97 (emergency); Added at 15 Ok Reg 2508, eff 6-25-98; Amended at 15 Ok Reg 4247, eff 9-2-98 (emergency); Amended at 16 Ok Reg 1717, eff 6-11-99]

35:17-3-26. Variances

Variances from these rules shall only be granted on a case by case basis and the granting of a variance shall not act as a precedent for any other case, whether similar or not. In each case where a variance is granted, the decision shall be thoroughly documented.

[Source: Added at 15 Ok Reg 102, eff 10-13-97 (emergency); Added at 15 Ok Reg 2508, eff 6-25-98]

35:17-3-27. Licensed facilities not yet constructed

All structures and facilities licensed but not yet constructed shall be subject to all construction requirements of the Oklahoma Concentrated Animal Feeding Operations Act in effect at the date of construction. Prior to commencement of construction, the Pollution Prevention Plan shall be updated,

and the Department shall be notified of construction prior to commencement.

[Source: Reserved at 15 Ok Reg 102, eff 10-13-97 (emergency); Reserved at 15 Ok Reg 2508, eff 6-25-98; Amended at 15 Ok Reg 4247, eff 9-2-98 (emergency); Amended at 16 Ok Reg 1717, eff 6-11-99]

35:17-3-28. Codification [RESERVED]

[Source: Reserved at 15 Ok Reg 102, eff 10-13-97 (emergency); Reserved at 15 Ok Reg 2508, eff 6-25-98]

35:17-3-29. Repealer

All previous rules promulgated by the Board under the Oklahoma Feed Yards Act or the Oklahoma Concentrated Animal Feeding Operations Act are repealed.

[Source: Added at 15 Ok Reg 102, eff 10-13-97 (emergency); Added at 15 Ok Reg 2508, eff 6-25-98]

35:17-3-30. Commencement of construction

(a) Construction of a new or expanding operation shall not commence until an administrative hearing has been completed. Completion of an administrative hearing shall occur when the Administrative Law Judge submits final recommendations to the Oklahoma Department of Agriculture and the Board of Agriculture issues a building permit.

(b) If an administrative hearing is not requested by an affected property owner, construction shall commence upon the Board of Agriculture issuing a building permit.

[Source: Added at 15 Ok Reg 1055, eff 12-19-97 (emergency); Added at 15 Ok Reg 2508, eff 6-25-98; Amended at 15 Ok Reg 4247, eff 9-2-98 (emergency); Amended at 16 Ok Reg 1717, eff 6-11-99]

SUBCHAPTER 5. REGISTERED POULTRY FEEDING OPERATIONS

Section

35:17-5-1.	Purpose
35:17-5-2.	Definitions
35:17-5-3.	Registration and Animal Waste Management Plan required
35:17-5-4.	Soil and litter tests required [REVOKED]
35:17-5-5.	Animal Waste Management Plan requirements
35:17-5-6.	Poultry waste Transfers
35:17-5-7.	Record keeping
35:17-5-8.	Inspections [REVOKED]
35:17-5-9.	Complaints
35:17-5-9.1.	Biosecurity
35:17-5-10.	Investigations and penalties [REVOKED]
35:17-5-10.1.	Violation points system
35:17-5-11.	Education

35:17-5-1. Purpose

These rules shall serve to control nonpoint source runoff and discharges from poultry waste application of poultry feeding operations. The rules allow for the monitoring of

poultry waste application to land or removal from these operations and assist in ensuring beneficial use of poultry waste while preventing adverse effects to the waters of the state of Oklahoma. These rules are promulgated pursuant to and are read in conjunction with the Oklahoma Registered Poultry Feeding Operations Act found at Section 10-9.1 et seq. at Title 2 of the Oklahoma Statutes. The provisions of the Oklahoma Registered Poultry Feeding Operations Act are incorporated by reference.

[Source: Added at 15 Ok Reg 1057, eff 12-19-97 (emergency); Added at 15 Ok Reg 2508, eff 6-25-98; Amended at 15 Ok Reg 4266, eff 8-20-98 (emergency); Amended at 16 Ok Reg 2119, eff 6-25-99]

35:17-5-2. Definitions

In addition to the terms contained and defined in the Oklahoma Registered Poultry Feeding Operations Act, the following words or terms when used in this subchapter shall have the following meaning unless the context clearly indicates otherwise:

"Animal Waste Management Plan" or "AWMP" means a written plan that includes a combination of conservation and management practices designed to protect the natural resources of the State as required by the State Department of Agriculture pursuant to the provisions of Section 10-9.7 at Title 2 of the Oklahoma Statutes. The plan shall be prepared by the USDA NRCS or an entity approved by the State Department of Agriculture.

"Discharge" means any release by pumping, pouring, emptying, or dumping of poultry waste directly or through a manmade conveyance into waters of the State.

"Runoff" means any release by leaking, escaping, seeping, or leaching of poultry waste into waters of the State.

"USDA NRCS" means the United States Department of Agriculture Natural Resources Conservation Service.

"Waste facility" means any structure or combination of structures utilized to control poultry waste until it can be utilized in an authorized manner. These structures shall include all treatment and storage structures but not be limited to pits, burial sites, barns, or roof covered structures which house poultry, composters, poultry waste storage sites, or retention structures, and all appurtenances or additions.

[Source: Added at 15 Ok Reg 1057, eff 12-19-97 (emergency); Added at 15 Ok Reg 2520, eff 6-25-98; Amended at 15 Ok Reg 4266, eff 8-20-98 (emergency); Amended at 16 Ok Reg 2119, eff 6-25-99]

35:17-5-3. Registration and Animal Waste Management Plan required

(a) Registration.

(1) Every poultry feeding operation in operation on July 1, 1998 shall register by January 1, 1999. All registrations shall be received by the State Department of Agriculture prior to January 1, 1999.

(2) Every poultry feeding operation shall be required to reregister annually by January 1 to operate.

(3) Any poultry feeding operation that has a valid license pursuant to the Oklahoma Concentrated Animal Feeding

Operations Act shall not be required to register pursuant to the Oklahoma Registered Poultry Feeding Operations Act.

(4) The owner or operator of a poultry feeding operation not classified as a poultry feeding operation may register if the owner elects to come under the provisions of the Oklahoma Registered Poultry Feeding Operations Act and the rules of the State Board of Agriculture.

(5) It shall be unlawful for any person to construct or operate a new poultry feeding operation without first registering with the State Board of Agriculture.

(b) Animal Waste Management Plan.

(1) Every poultry feeding operation shall obtain or apply for an approved Animal Waste Management Plan addressing both nitrogen and phosphorus by January 1, 1999.

(2) All new operators of poultry feeding operations shall obtain or apply for an Animal Waste Management Plan prior to construction of the facility.

(3) The Animal Waste Management Plan shall be prepared by USDA NRCS or an entity approved by the State Department of Agriculture.

(4) Plans shall be reviewed and updated at least every six (6) years from the date the AWMP was obtained. Plans shall also be reviewed and updated in the following circumstances:

(A) When a change in the waste utilization standards occurs and upon notification by the State Department of Agriculture.

(B) Upon recommendation of the State Department of Agriculture.

(5) Plans shall be updated prior to the expansion of a facility.

(6) All poultry feeding operations with an existing Animal Waste Management Plan not based on a soil test and current USDA NRCS phosphorus standards shall update the plan or apply for an update by January 1, 1999 and the plan shall address both nitrogen and phosphorus.

(7) Implementation of the AWMP shall occur within ninety (90) days of receipt of the AWMP unless otherwise determined by the State Department of Agriculture. In no event shall the poultry feeding operation land apply poultry waste in excess of the current USDA NRCS Waste Utilization Standards, unless the State Department of Agriculture approves other standards.

[Source: Added at 15 Ok Reg 1057, eff 12-19-97 (emergency); Added at 15 Ok Reg 2508, eff 6-25-98; Amended at 15 Ok Reg 4266, eff 8-20-98 (emergency); Amended at 16 Ok Reg 2119, eff 6-25-99]

35:17-5-4. Soil and litter tests required [REVOKED]

[Source: Added at 15 Ok Reg 1057, eff 12-19-97 (emergency); Added at 15 Ok Reg 2520, eff 6-25-98; Revoked at 15 Ok Reg 4266, eff 8-20-98 (emergency); Revoked at 16 Ok Reg 2119, eff 6-25-99]

35:17-5-5. Animal Waste Management Plan requirements

(a) The Animal Waste Management Plan shall contain, at a minimum, the following:

- (1) A description of poultry waste handling procedures and availability of equipment and type of equipment to be used.
- (2) The calculations and assumptions used for determining land application rates.
- (3) All nutrient analysis data, including soil and poultry waste testing.
- (4) Legal description of lands to be used by an operation for land application.
- (5) Soils map with description and type or series.
- (6) Land application rates of poultry waste shall be based on the available nitrogen and phosphorus content of the poultry waste and soil test results.
- (7) The procedures documented in the AWMP shall ensure that the handling and utilization of poultry waste complies with the following requirements:

(A) Adequate poultry waste storage shall be provided. Poultry waste shall not be stored without adequate protection from rainfall and runoff. All new poultry feeding operations shall make provisions for storage of poultry waste prior to operating. Exceptions to storage requirements for poultry waste in emergency situations shall be granted on a case by case basis. Exceptions shall include but not be limited to allowing a contract poultry grower to take such actions as are necessary to meet requirements imposed on a grower by an integrator. However, in all situations growers shall be required to take all actions feasible to prevent pollution from stored poultry waste.

(B) Poultry waste shall not be applied to land when the ground is saturated or during rainfall events. Poultry waste shall not be applied to land when the ground is frozen or snow covered except in conformance with the AWMP.

(C) Poultry waste shall only be applied to suitable land at appropriate times and rates as specified by the AWMP. Runoff of poultry waste from the application site is prohibited.

(D) All practices necessary to minimize movement of poultry waste to watercourses shall be utilized and documented in the AWMP.

(E) Edge of field, grassed strips shall separate water courses from runoff which may be carrying eroded soil and poultry waste.

(F) Poultry waste application shall be prohibited on land subject to excessive erosion.

(G) Land application rates of poultry waste shall provide controls for runoff as appropriate for site conditions.

(b) The AWMP shall also include a method for the disposal of carcasses. The AWMP shall include provisions for disposal of carcasses associated with normal mortality and shall include provisions for emergency disposal when a major disease outbreak or other emergency results in deaths significantly higher than normal mortality rates. Accepted methods of carcass disposal include:

- (1) Rendering

(A) Disposal of all carcasses shall occur within a reasonable period of time as approved by the State Department of Agriculture.

(B) Storage facilities shall be sealed or have lids and maintained so as to prevent pests and odors.

(2) Burial shall only be allowed as a method of carcass disposal if no reasonable alternative exists and specific measures and practices are identified which will be utilized to protect the ground and surface waters of the State.

(3) Composting by methods as approved in the AWMP.

(4) Incineration shall only be used as a method of carcass disposal if the poultry feeding operation has a valid air quality permit from the Oklahoma Department of Environmental Quality, Air Quality Division, if required.

(c) Storage and land application of poultry waste shall not cause a discharge or runoff of significant pollutants to waters of the State or cause a water quality violation to waters of the State.

(d) The operator shall notify the State Department of Agriculture within twenty-four (24) hours of a discharge.

[Source: Added at 15 Ok Reg 1057, eff 12-19-97 (emergency); Added at 15 Ok Reg 2508, eff 6-25-98; Amended at 15 Ok Reg 4266, eff 8-20-98 (emergency); Amended at 16 Ok Reg 2119, eff 6-25-99]

35:17-5-6. Poultry waste Transfers

In the event poultry waste cannot be used on the premises of the poultry feeding operation, the poultry waste shall be sold, given away, or otherwise safely removed from the premises.

[Source: Added at 15 Ok Reg 1057, eff 12-19-97 (emergency); Added at 15 Ok Reg 2508, eff 6-25-98; Amended at 15 Ok Reg 4266, eff 8-20-98 (emergency); Amended at 16 Ok Reg 2119, eff 6-25-99]

35:17-5-7. Record keeping

(a) The following records shall be maintained for a period of six (6) years and shall be available at all times to the State Department of Agriculture:

(1) Poultry waste application records, rates, and dates of application.

If the poultry waste is sold or given to other persons, the poultry feeding operation shall maintain a log of:

(A) Date of removal from the poultry feeding operation.

(B) Name of recipient the poultry waste is sold or given to.

(C) Amount in wet tons, dry tons, or cubic yards of poultry waste removed from the poultry feeding operation.

(D) Poultry feeding operations located in a nutrient limited watershed or nutrient vulnerable groundwaters as defined by the Oklahoma Water Resources Board shall make available to the recipient any nutrient sample analysis from that year. Poultry feeding operations located in non-nutrient limited watersheds or non-nutrient vulnerable groundwaters shall make available to the recipient the most recent nutrient sample analysis.

(b) Education certifications shall be maintained for a period of five (5) years and shall be available at all times to the State Department of Agriculture.

(c) Soil and poultry waste analysis data shall be retained by the poultry feeding operation for as long as the site is in operation.

[Source: Added at 15 Ok Reg 1057, eff 12-19-97 (emergency); Added at 15 Ok Reg 2520, eff 6-25-98; Amended at 15 Ok Reg 4266, eff 8-20-98 (emergency); Amended at 16 Ok Reg 2119, eff 6-25-99]

35:17-5-8. Inspections [REVOKED]

[Source: Added at 15 Ok Reg 1057, eff 12-19-97 (emergency); Added at 15 Ok Reg 2520, eff 6-25-98; Amended at 15 Ok Reg 4266, eff 8-20-98 (emergency); Amended at 16 Ok Reg 2119, eff 6-25-99]

35:17-5-9. Complaints

Upon receipt of a complaint, the State Department of Agriculture shall notify the person filing the complaint in writing of its receipt and status within five (5) working days. The party whom the complaint is filed against, if known, will be notified within five (5) working days. The State Department of Agriculture or its authorized agents are empowered to enter upon the premises of any poultry feeding operation for the purpose of investigating complaints regarding the operation or to determine compliance with the Oklahoma Registered Poultry Feeding Operations Act. The resolution of a complaint is the completion of the appropriate administrative, jurisdictional, and legal remedies to the extent determined necessary by the State Department of Agriculture. The complainant and owner shall be notified in writing within seven (7) working days after resolution of the complaint.

[Source: Added at 15 Ok Reg 1057, eff 12-19-97 (emergency); Added at 15 Ok Reg 2520, eff 6-25-98; Amended at 15 Ok Reg 4266, eff 8-20-98 (emergency); Amended at 16 Ok Reg 2119, eff 6-25-99]

35:17-5-9.1. Biosecurity

(a) Standard precautions for the prevention of the transmission of communicable diseases to humans and animals shall be used by employees of the State Department of Agriculture when inspecting poultry feeding operations pursuant to their official duties specified by the Oklahoma Registered Poultry Feeding Operations Act.

(b) Except for emergency situations or when enforcement of the provisions of the Oklahoma Registered Poultry Feeding Operations Act is required, the State Department of Agriculture shall observe the health standards and sanitary requirements of the facility.

[Source: Added at 15 Ok Reg 2520, eff 6-25-98; Amended at 15 Ok Reg 4266, eff 8-20-98 (emergency); Amended at 16 Ok Reg 2119, eff 6-25-99]

35:17-5-10. Investigations and penalties [REVOKED]

[Source: Added at 15 Ok Reg 1057, eff 12-19-97 (emergency); Added at 15 Ok Reg 2520, eff 6-25-98; Revoked at 15 Ok Reg 4266, eff 8-20-98 (emergency); Revoked at 16 Ok Reg 2119, eff 6-25-99]

35:17-5-10.1. Violation points system

In addition to the State Department of Agriculture's enforcement authority, the following violation points system shall be utilized to assess points prior to designating a poultry feeding operation as a concentrated animal feeding operation subject to the Oklahoma Concentrated Animal Feeding Operations Act pursuant to Section 9-201 et seq. of Title 2 of the Oklahoma Statutes.

(1) When any poultry feeding operation accrues a total of fifteen (15) or more points in any two (2) year time period, that poultry feeding operation shall be designated a concentrated animal feeding operation and shall comply with all aspects of the Oklahoma Concentrated Animal Feeding Operations Act.

(2) Points shall accrue based on the following violations of the Oklahoma Registered Poultry Feeding Operations Act:

(A) Knowingly making any false statement, representation, or certification in, omitting material data from, or tampering with any application for registration shall be a significant violation and accrue three (3) to five (5) points.

(B) Constructing or operating a new poultry feeding operation without first registering with the State Board of Agriculture shall accrue two (2) to five (5) points.

(C) Failure to register a poultry feeding operation by January 1, 1999 which was in operation on July 1, 1998 shall accrue two (2) to five (5) points.

(D) Failure by a poultry feeding operation to annually reregister with the State Board of Agriculture shall accrue one (1) to three (3) points.

(E) Increasing the capacity of a poultry feeding operation in excess of ten percent (10%) of the facility's original licensed capacity prior to reregistering with the State Board of Agriculture shall accrue one (1) to two (2) points.

(F) Failure of a poultry feeding operation to send written notification to the State Department of Agriculture upon changing integrators shall accrue one (1) point.

(G) Failure by the operator of a poultry feeding operation to attend the required hours of educational courses on poultry waste handling and management specified by the Oklahoma Registered Poultry Feeding Operations Act shall accrue two (2) to four (4) points.

(H) Failure by a poultry feeding operation to utilize or comply with Best Management Practices or the Animal Waste Management Plan and the failure results in actual harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall be a significant violation and accrue three (3) to five (5) points.

(I) Failure by a poultry feeding operation to utilize or comply with Best Management Practices or the Animal Waste Management Plan and the failure results in potential harm to natural resources of the

state, ground or surface water quantity or quality, public health, or the environment shall accrue one (1) to three (3) points.

(J) Failure by a poultry feeding operation to keep all records as required by the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated thereunder shall accrue one (1) to three (3) points.

(K) Failure by a poultry feeding operation to properly dispose of carcasses or failure to follow the carcass disposal plan as outlined in the Animal Waste Management Plan shall accrue two (2) to four (4) points.

(L) Failure to allow inspections of the poultry feeding operation facility or records for purposes of routine inspections, complaint investigations, or any other type of inspection shall be a significant violation and accrue three (3) to five (5) points.

(M) Knowingly making any false statement, representation, or certification form, notice, or report, or knowingly rendering inaccurate any monitoring device or method required to be maintained shall be a significant violation and accrue three (3) to five (5) points.

(N) Any other violation of the Oklahoma Registered Poultry Feeding Operations Act or any rule promulgated thereunder shall accrue one (1) to five (5) points, depending upon the severity of the violation as determined by the State Board of Agriculture.

(O) If a violation is deemed to be willful or intentional, up to an additional five (5) points may be added to the total points per violation by the State Board of Agriculture and the violation shall be deemed significant.

(3) All violations which are assessed four (4) or five (5) points shall only accrue points upon approval by the State Board of Agriculture. All other violations shall accrue points upon approval by the Water Quality Services Division of the State Department of Agriculture. Assessment of points by the Water Quality Services Division may be appealed in writing to the Division Director. If the accumulated number of points reaches a total of fifteen (15) points, the owner may appeal to the State Board of Agriculture.

(4) In the event that a violation is not corrected within sixty (60) days, an additional accrual of assessed points may occur.

(5) Even if the violation points do not add up to a total of fifteen (15) points, the State Board of Agriculture may deem a violation that results in serious harm to be so significant as to warrant immediate designation as a concentrated animal feeding operation and subject to the Oklahoma Concentrated Animal Feeding Operations Act.

(6) Any poultry feeding operation designated as a concentrated animal feeding operation shall be so designated for a minimum of one (1) year and the registration as a poultry feeding operation shall be suspended. At the State Department of Agriculture's discretion, the poultry

feeding operation may reinstate the registration and the designation as a concentrated animal feeding operation may be removed so long as the poultry feeding operation complies with all conditions which the State Department of Agriculture imposes on the poultry feeding operation.

(7) Conditions for removal from the designation as a concentrated animal feeding operation shall at a minimum include compliance during the entire designation with all aspects of the Oklahoma Concentrated Animal Feeding Operations Act and its attendant rules, and correction of all conditions which caused the designation as a concentrated animal feeding operation.

[Source: Added at 15 Ok Reg 4271, eff 8-2-98 (emergency); Added at 16 Ok Reg 2119, eff 6-25-99]

35:17-5-11. Education

(a) At the completion of each education session, the operator shall receive a certification verifying completion from Oklahoma State University Oklahoma Cooperative Extension Service. The certification shall be kept for five (5) years.

(b) Oklahoma State University Oklahoma Cooperative Extension Service education courses previously taken by an operator pursuant to State Department of Agriculture rules promulgated for Commercial Poultry Operations shall count towards the mandatory education requirements contained in the Oklahoma Registered Poultry Feeding Operations Act.

[Source: Added at 15 Ok Reg 1057, eff 12-19-97 (emergency); Added at 15 Ok Reg 2520, eff 6-25-98; Amended at 15 Ok Reg 4266, eff 8-20-98; Amended at 16 Ok Reg 2119, eff 6-25-99]

SUBCHAPTER 7. POULTRY WASTE APPLICATORS CERTIFICATION

Section

35:17-7-1.	Purpose
35:17-7-2.	Definitions
35:17-7-3.	Commercial poultry waste applicator's certificate
35:17-7-4.	Private poultry waste applicators certificate
35:17-7-5.	[RESERVED]
35:17-7-6.	[RESERVED]
35:17-7-7.	[RESERVED]
35:17-7-8.	Education requirements
35:17-7-9.	[RESERVED]
35:17-7-10.	[RESERVED]
35:17-7-11.	Reciprocal agreement with state and federal agencies.

[Source: Codified 7-13-00]

35:17-7-1. Purpose

These rules provide a mechanism for poultry waste applicators to obtain an applicator's certificate issued by the State Board of Agriculture pursuant to the Oklahoma Poultry Waste Applicators Certification Act found at Section 10-9.16 et seq. of Title 2 of the Oklahoma Statutes.

[Source: Added at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-2. Definitions

In addition to the terms defined in Section 10-9.1 of Title 2 of the Oklahoma Statutes, the following terms when used in this subchapter shall have the following meaning unless the context clearly indicates otherwise:

"Commercial poultry waste applicator" means any person who engages in commercial land application of more than ten (10) tons of poultry waste per year. Any farmer while working for a neighbor in agricultural production, and not advertising, nor holding themselves out to be in the business of land applying poultry waste, shall not be classified as a commercial poultry waste applicator, but as a private poultry waste applicator.

"Discharge" means any release by pumping, pouring, emptying, or dumping of poultry waste directly or through a manmade conveyance into waters of the State of Oklahoma.

"Private poultry waste applicator" means any person who is not a commercial poultry waste applicator but engages in the land application of more than ten (10) tons of poultry waste per year for purposes including, but not limited to, producing any agricultural commodity on property owned or rented by the person or the person's employer, or if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.

"Runoff" means any release by leaking, escaping, seeping, or leaching of poultry waste into waters of the State.

[Source: Added at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-3. Commercial poultry waste applicator's certificate

(a) Any person who acts, operates, conducts business, or advertises as a commercial poultry waste applicator shall obtain a valid applicator's certificate issued by the Board.

(b) All existing commercial poultry waste applicators shall apply for a commercial poultry waste applicator's certificate prior to January 1, 2001. All new commercial poultry waste applicators shall apply for a commercial poultry waste applicator's certificate prior to doing business or advertising in Oklahoma. Education requirements shall be completed within one year of obtaining the commercial poultry waste applicator's certificate.

(c) A certified commercial poultry waste applicator may allow employees and other applicators over which direct control is exercised by the applicator to land apply poultry waste without obtaining a commercial poultry waste applicators certificate so long as the following conditions exist:

- (1) The land application is supervised by the certified commercial poultry waste applicator;
- (2) The certified commercial poultry waste applicator is the responsible person for all aspects of the land application; and
- (3) The certified commercial poultry waste applicator is responsible for ensuring employees and other applicators are properly trained regarding poultry waste handling and application.

(d) A certified commercial poultry waste applicator shall notify the owner or lessee of the property where poultry waste is land applied of all requirements of the Oklahoma Poultry Waste Applicators Certification Act and rules which apply to the landowner. A certified commercial poultry waste applicator shall upon request provide all necessary records to the owner or lessee of the property where poultry waste is land applied.

(e) Every certified commercial poultry waste applicator shall file an annual report as required by Section 10-9.18 of Title 2 of the Oklahoma Statutes.

[Source: Added at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-4. Private poultry waste applicators certificate

(a) Any person who land applies poultry waste as a private poultry waste applicator shall obtain a valid applicator's certificate issued by the Board.

(b) All existing private poultry waste applicators shall apply for a private poultry waste applicator's certificate prior to January 1, 2001. All new private poultry waste applicators shall apply for a private poultry waste applicator's certificate prior to land applying poultry waste in Oklahoma. Education requirements shall be completed within one year of obtaining the private poultry waste applicator's certificate.

(c) A certified private poultry waste applicator may allow employees and other applicators over which direct control is exercised by the certified private poultry waste applicator to land apply poultry waste without obtaining a private poultry waste applicators certificate so long as the following conditions exist:

- (1) The land application is supervised by the certified private poultry waste applicator;
- (2) The certified private poultry waste applicator is the responsible person for all aspects of the land application; and
- (3) The certified private poultry waste applicator is responsible for ensuring employees and other applicators are properly trained regarding poultry waste handling and application.

(d) Every certified private poultry waste applicator shall file an annual report as required by Section 10-9.18 of Title 2 of the Oklahoma Statutes.

[Source: Added at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-5. [RESERVED]

[Source: Reserved at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-6. [RESERVED]

[Source: Reserved at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-7. [RESERVED]

[Source: Reserved at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-8. Education requirements

Certified poultry waste applicators who have attended educational training and received certification verifying completion pursuant to the Oklahoma Registered Poultry Feeding Operations Act shall be in compliance with the initial educational requirements of the Oklahoma Poultry Waste Applicators Certification Act. Nothing in this rule shall be construed to mean that a certified poultry waste applicator shall attend courses intended for poultry producers instead of courses intended for poultry waste applicators.

[Source: Added at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-9. [RESERVED]

[Source: Reserved at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-10. [RESERVED]

[Source: Reserved at 17 Ok Reg 2832, eff 7-13-00]

35:17-7-11. Reciprocal agreement with state and federal agencies

Reciprocal agreements which allow the federal government, any state, any department, or agency to obtain a commercial or private poultry waste applicators certificate shall assist in fulfilling the intent of the Oklahoma Poultry Waste Applicators Certification Act.

[Source: Added at 17 Ok Reg 2832, eff 7-13-00]

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Title 2. Agriculture

Oklahoma Statutes Citationized

Title 2. Agriculture

Chapter 1

Agricultural Code - Oklahoma Registered Poultry Feeding Operations Act

Article Article 10

Section 10-9.1 - Oklahoma Registered Poultry Feeding Operations Act - Terms Defined.

Cite as: O.S. §. ____

A. Sections 1 through 12 of this act shall be known and may be cited as the "Oklahoma Registered Poultry Feeding Operations Act".

B. As used in Sections 1 through 23 of this act:

1. "Animal Waste Management Plan" or "AWMP" means a written plan that includes a combination of conservation and management practices designed to protect the natural resources of the state as required by the State Department of Agriculture pursuant to the provisions of Section 7 of this act;
2. "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures and other management practices which prevent or reduce the pollution of waters of the state as established by the State Department of Agriculture pursuant to Section 7 of this act;
3. "Board" means the State Board of Agriculture;
4. "Certificate" means a written document issued to an individual by the Board pursuant to Section 17 of this act which indicates that the individual is authorized to land apply poultry waste by the Oklahoma Poultry Waste Applicators Certification Act;
5. "Certified poultry waste applicator" means a person who has been certified by the Board to land apply poultry waste and includes a commercial poultry waste applicator and a private poultry waste applicator;
6. "Commercial poultry waste applicator" means any person who engages in commercial land application of poultry waste. Any farmer while working for a neighbor in agricultural production, and not advertising, nor holding himself or herself out to be in the business of land applying poultry waste, shall not be classified as a commercial poultry waste applicator, but as a private poultry waste applicator;
7. "Contract growing arrangement" means any growout contract, marketing agreement, or other arrangement under which a contract poultry grower cares for or raises poultry;
8. "Contract poultry grower" means any person engaged in the business of caring for or raising poultry, under a contract growing arrangement;
9. "Common ownership" includes but is not limited to any person who has power or authority to manage, direct, restrict, regulate or oversee the operation or has financial control of two or more

poultry feeding operations;

10. "Department" means the State Department of Agriculture;

11. "Expanding operation" means a registered poultry feeding operation that seeks to increase its registered capacity in excess of ten percent (10%) of the facility's original registered capacity;

12. "Facility" means any place, site or location or part thereof where poultry are kept, handled, housed or otherwise maintained including but not limited to buildings, lots, pens and poultry waste management systems;

13. "Integrator" means an entity which unites the elements associated with the poultry industry, including but not limited to hatching, feeding, processing and marketing. It includes, but is not limited to, situations when growing is contracted out to others and when the integrator operates its own growing facilities;

14. "Land application" means the spreading on, or incorporation into, the soil mantle primarily for beneficial purposes;

15. "Operator" means the person who performs the daily management functions associated with the poultry feeding operation;

16. "Person" means an individual, association, partnership, firm, company, public trust, corporation, joint stock company, trust estate, any other legal entity, or any agent, employee, representative assignor or successor thereof.

17. "Nutrient-limited watershed" means a watershed of a water body which is designated as "nutrient-limited" in the most recent Oklahoma's Water Quality Standards;

18. "Nutrient-vulnerable groundwater" means groundwater which is designated "nutrient-vulnerable" in the most recent Oklahoma's Water Quality Standards;

19. "Poultry" includes chickens, turkeys, ducks, geese and any other domesticated bird used for human food and/or animal feed;

20. "Poultry feeding operation" means a property or facility where the following conditions are met:

a. poultry have been, are or will be confined and fed or maintained for a total of forty-five (45) days or more in any twelve-month period,

b. crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the property or facility, and producing over ten (10) tons of poultry waste per year;

21. "Poultry waste" means poultry excrement, poultry carcasses, feed wastes or any other waste associated with the confinement of poultry from a poultry feeding operation;

22. "Poultry waste utilization business" means a business at which poultry waste is collected, recycled, processed or recovered into reusable products including, but not limited to, fertilizer and animal feed;

23. "Poultry waste management system" means a combination of structures and practices serving a poultry feeding operation that provides for the collection, treatment, disposal, distribution, storage and land application of poultry waste;

24. "Private poultry waste applicator" means any person who is not a commercial poultry waste

applicator but engages in the land application of poultry waste for purposes including, but not limited to, producing any agricultural commodity on property owned or rented by the person or such person's employer, or if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person;

25. "Waste facility" means any structure or combination of structures utilized to control poultry waste until it can be utilized in an authorized manner; and

26. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof, and shall include under all circumstances the waters of the United States which are contained within the boundaries of, flow through or border upon this state or any portion thereof. Process wastewaters shall not be considered as waters of the state if contaminated at the site.

Historical Data

Laws 1998, c. 232 § 1, eff. July 1, 1998.

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Title 2. Agriculture

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Title 2. Agriculture

Chapter 1

Agricultural Code - Oklahoma Registered Poultry Feeding Operations Act

Article Article 10

Section 10-9.3 - Registration Requirement.

Cite as: O.S. §. ____

A. 1. It shall be unlawful for any person to construct or operate a new poultry feeding operation without having first registered with the State Board of Agriculture.

2. The owner or operator of a poultry operation not classified as a poultry feeding operation may register if such owner or operator elects to come under the provisions of the Oklahoma Registered Poultry Feeding Operations Act and the rules of the Board.

B. Every poultry feeding operation in operation on the effective date of this act shall register within six (6) months of the effective date of this act.

C. Any poultry feeding operation that has a valid license pursuant to the Oklahoma Concentrated Animal Feeding Operations Act shall not be required to register pursuant to the Oklahoma Registered Poultry Feeding Operations Act.

Historical Data

Laws 1998, c. 232 § 3, eff. July 1, 1998.

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Chapter 1

Agricultural Code - Oklahoma Registered Poultry Feeding Operations Act

Article Article 10

Section 10-9.4 - Registration of Poultry Feeding Operation.

Cite as: O.S. §. __ __

A. Every poultry feeding operation shall be required to register annually to operate pursuant to the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.

B. 1. Two or more poultry operations under common ownership are considered, for the purposes of registration, to be a single poultry feeding operation if they adjoin each other or if they use a common waste facility.

2. Once the cumulative amount of poultry waste produced by all facilities owned or managed by a person meets or exceeds the amount specified by paragraph 20 of Section 1 of this act, all poultry feeding operations owned by the person shall be required to become registered.

3. After the effective date of this act, any poultry feeding operation shall be required to reregister for any increase in excess of ten percent (10%) of the facility's original registered capacity.

Historical Data

Laws 1998, c. 232 § 4, eff. July 1, 1998.

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Title 2. Agriculture

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Title 2. Agriculture

Chapter 1

Agricultural Code - Oklahoma Registered Poultry Feeding Operations Act

Article Article 10

Section 10-9.5 - Application to Register Poultry Operation or Expanding Operation.

Cite as: O.S. §. ____

A. The State Board of Agriculture shall cause to be prepared and available the necessary forms and applications for any person desiring or required to register a poultry operation or expanding operation.

B. The application to register to operate a new or previously unregistered poultry operation or expanding operation shall be under oath and shall contain, as a minimum, the following information:

1. Name and address of the owner and operator of the facility;
2. Name and address of the poultry operation;
3. Number and type of poultry housed or confined;
4. Name and address of the integrator whose poultry will be raised by the poultry feeding operation;
5. A diagram or map and legal description showing geographical location of the facility on which the perimeters of the facility are designated, location of waters of the state, including, but not limited to, drainage from the facility, poultry waste storage facilities and land application sites owned or leased by the applicant or which the applicant has contracted with for the application of poultry waste;
6. A copy of the Animal Waste Management Plan, or proof of application for such plan, Best Management Practices or any other plans authorized by the State Department of Agriculture; and
7. A statement of ownership.
 - a. If the applicant is a corporation, the name and address of the corporation and the name and address of each officer and registered agent of the corporation shall be included in the application.
 - b. If the applicant is a partnership or other legal entity, the name and address of each partner and stockholder with an ownership interest of ten percent (10%) or more shall be included in the statement.
 - c. The information contained in the statement of ownership shall be public information and shall be available upon request from the Board;
8. The name and address of the person having day to day control of the operation, if such person is not the applicant and is acting as agent for the applicant;

9. a. An environmental history from the past three (3) years of any poultry feeding operation established and operated by the applicant or any other operation with common ownership in this state or any other state. Such environmental history shall include but not be limited to all citations, administrative orders or penalties, civil injunctions or other civil actions, criminal actions, past, current and ongoing, taken by any person, agency or court relating to noncompliance with any environmental law, rule, agency order, or court action relating to the operation of a poultry feeding operation.

b. A copy of all records relating to the environmental history required by this paragraph shall accompany the application.

c. Noncompliance with a final agency order or final order or judgment of a court of record which has been set aside by a court on appeal of such final order or judgment shall not be considered a final order or judgment for the purposes of this subsection;

10. Environmental awards or citations received or pollution prevention or voluntary remediation efforts undertaken by the applicant; and

11. Any other information or records to be required by the Department for purposes of implementing the Oklahoma Registered Poultry Feeding Operations Act or rules promulgated pursuant thereto.

C. In addition to other penalties as may be imposed by law, any person who knowingly makes any false statement, representation, or certification in, omits material data from, or tampers with any application for registration shall, upon conviction, be guilty of a misdemeanor and may be subject to a fine of not more than Ten Thousand Dollars (\$10,000.00) for each such violation.

D. The owner of a poultry feeding operation shall be responsible for sending written notification to the State Department of Agriculture upon changing integrators.

E. For a transfer of registration to a new owner, the new owner must register the operation pursuant to the rules of the Department.

F. 1. After the effective date of this act, all operators of poultry feeding operations shall attend educational courses on poultry waste handling. All such operators shall attend educational training on poultry waste management as provided by Oklahoma State University through the Oklahoma Cooperative Extension Service. All current and new operators shall receive no less than nine (9) hours of training in the first year and no less than three (3) hours each year thereafter. The Oklahoma Cooperative Extension Service shall develop the educational training course to aid in certification. Curricula for the training course will include the Oklahoma Cooperative Extension Service Waste Management Facts series and record books or their current equivalent. Courses for poultry waste management shall include the following topics:

a. environmental process relevant to protecting water quality in poultry production,

b. basic handling systems to manage poultry waste from all types of poultry operations,

c. nutrient management, including sampling procedures, application rate determination, equipment calibration, and record keeping systems,

d. relevant laws and rules applicable to poultry waste management in the State of Oklahoma, and

e. any other related subject as determined by Oklahoma State University in consultation with the Department.

2. At the completion of each course, the operator shall receive a certification verifying completion. The certificates shall be kept on site for five (5) years.

3. Failure to obtain the prerequisite and annual training and education as provided in this subsection shall be deemed a violation of the Oklahoma Registered Poultry Feeding Operations Act.

G. On and after March 1, 1999, no integrator shall enter into any contract with an operator of a poultry feeding operation who is not in compliance with the requirements of subsection E of this section.

Historical Data

Laws 1998, c. 232 § 5, eff. July 1, 1998.

Citationizer® Summary of Documents Citing This Document

None Found.

Citationizer: Table of Authority

None Found.



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Article Article 10

Section 10-9.6 - Creation of Poultry Waste Education Revolving Fund.

Cite as: O.S. §. ____

A. There is hereby created in the State Treasury a revolving fund for the State Department of Agriculture to be designated the "Poultry Waste Education Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies donated to the fund, and any other monies deposited in the fund pursuant to law.

B. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Agriculture to contract with Oklahoma State University to provide the educational courses required by the Oklahoma Poultry Waste Applicators Certification Act.

C. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

Historical Data

Laws 1998, c. 232 § 6, eff. July 1, 1998.

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None Found.

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Article Article 10

Section 10-9.7 - Best Management Practices - Requirement of Animal Waste Management Plans.

Cite as: O.S. §. ____

A. All poultry feeding operations shall utilize Best Management Practices and shall meet the conditions and requirements established by subsection B of this section and by rules promulgated by the State Board of Agriculture pursuant to the Oklahoma Registered Poultry Feeding Operations Act.

B. The criteria for Best Management Practices shall be promulgated by rules by the Board and shall include, but not be limited to, the following:

1. There shall be no discharge of poultry waste to waters of the state;
2. Stored poultry waste shall be isolated from outside surface drainage by ditches, dikes, berms, terraces or other such structures;
3. No waters of the state shall come into direct contact with the poultry confined on the poultry feeding operation;
4. Poultry waste handling, treatment, management and removal shall:
 - a. not create an environmental or a public health hazard,
 - b. not result in the contamination of waters of the state, and
 - c. conform to such other handling, treatment and management and removal requirements deemed necessary by the State Department of Agriculture to implement the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.

The rules promulgated by the Board pursuant to this section shall provide for exceptions to the storage requirements for poultry waste in emergency situations. Such exceptions shall include but not be limited to allowing a contract poultry grower to take such actions as are necessary to meet requirements imposed on a grower by an integrator. In such situations growers shall be required to take all actions feasible to prevent pollution from stored poultry waste.

C. Every poultry feeding operation shall have an Animal Waste Management Plan which shall include at a minimum:

1. A description of poultry waste handling procedures and availability of equipment and type of equipment to be used;

2. The calculations and assumptions used for determining land application rates;
3. All nutrient analysis data, for soil and poultry waste testing;
4. Legal description of lands to be used by an operation for land application;
5. Land application rates of poultry waste shall be based on the available nitrogen and phosphorous content of the poultry waste and shall provide controls for runoff and erosion as appropriate for site conditions;
6. The procedures documented in the Animal Waste Management Plan must ensure that the handling and utilization of poultry waste complies with the following requirements:

- a. adequate poultry waste storage shall be provided consistent with rules promulgated by the State Department of Agriculture pursuant to subsection B of this section,

- b. poultry waste shall not be applied to land when the ground is saturated or during rainfall events. Poultry waste shall not be applied to land when the ground is frozen except in conformance with the Animal Waste Management Plan,

- c. poultry waste shall only be applied to suitable land at appropriate times and rates. Discharge or runoff of waste from the application site is prohibited. Timing and rate of applications shall be based on assimilation capacity of the soil profile, assuming usual nutrient losses, expected precipitation, and soil conditions, and

- d. poultry waste application shall be prohibited on land subject to excessive erosion;

7. Records shall be maintained of all poultry wastes applied on land owned or controlled by the operator, and sold or given to other persons:

- a. if the poultry waste is sold or given to other persons for land application or other use, the poultry feeding operation shall maintain a log of: date of removal from the poultry feeding operation; name of recipient the poultry waste is sold or given to; and amount in wet tons, dry tons or cubic yards of poultry waste removed from the poultry feeding operation, and

- b. the poultry feeding operation shall make available to the recipient any nutrient sample analysis from that year;

8. Any analysis required by the provisions of the Oklahoma Registered Poultry Feeding Operations Act or rules promulgated thereto shall be performed by a qualified environmental testing laboratory certified by the Department of Environmental Quality and approved by the State Department of Agriculture; and

9. Such other information deemed necessary by the State Department of Agriculture to administer the provisions of the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.

D. Every poultry feeding operation located in a non-nutrient-limited watershed and non-nutrient-vulnerable groundwaters shall perform soil testing on each land application and poultry waste testing at least once every three (3) years to determine:

1. Soil pH and plant available nutrients including, at a minimum, nitrogen, phosphorous and potassium;
2. Poultry waste nutrient concentrations and moisture; and

3. Application rate based upon current United States Department of Agriculture Natural Resources Conservation Service Waste Utilization Standards, unless the State Department of Agriculture approves other standards.

E. 1. Every poultry feeding operation located in a nutrient-limited watershed and nutrient-vulnerable groundwater shall perform an annual soil test on each land application area prior to the first application of the calendar year. Poultry waste testing shall be performed annually prior to the first application of the calendar year. Soil and poultry waste testing shall be performed to determine:

a. soil pH and plant available nutrients including at least nitrogen, phosphorous and potassium,

b. poultry waste nutrient concentrations and moisture, and

c. application rate based upon current United States Department of Agriculture Natural Resources Conservation Service Waste Utilization Standards, unless the State Department of Agriculture approves other standards.

2. Soil and poultry waste analysis data shall be retained by the poultry feeding operation for as long as the site is in operation.

F. 1. Poultry feeding operations shall develop a plan for the disposal of carcasses associated with normal mortality.

2. In the event there is an outbreak of a major disease or other emergency resulting in deaths significantly higher than normal mortality rates, the State Department of Agriculture may approve, in writing, an alternate method of disposal of carcasses or the storage of poultry waste during the emergency period.

Historical Data

Laws 1998, c. 232 § 7, eff. July 1, 1998.

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Article Article 10

Section 10-9.8 - Annual Registration Fee.

Cite as: O.S. §. ____

Every application shall be accompanied by an annual registration fee of Ten Dollars (\$10.00), which is nonrefundable. All such fees shall be deposited in the Agriculture Regulation Revolving Fund created in Section 24 of this act to be used for the purpose of implementing the provisions of the Oklahoma Registered Poultry Feeding Operations Act and the Oklahoma Poultry Waste Applicators Certification Act.

Historical Data

Laws 1998, c. 232 § 8, eff. July 1, 1998.

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Section 10-9.8a - Restrictions on Location of Certain Poultry Feeding Operations

This Statute Will Go Into Effect

On: 09/01/2002

See Historical Data for Current Version

Cite as: O.S. §. __

On and after the effective date of this act:

1. No new or expanding poultry feeding operations, operated by entities prohibited in Section 951 of Title 18 of the Oklahoma Statutes including but not limited to entities operating as prescribed by Section 954 of Title 18 of the Oklahoma Statutes, shall be constructed within a one-hundred-year flood plain; and

2. No new or expanding poultry feeding operations, operated by entities prohibited in Section 951 of Title 18 of the Oklahoma Statutes including but not limited to entities operating as prescribed by Section 954 of Title 18 of the Oklahoma Statutes, shall be constructed within the following minimum buffer areas:

a. one and one-half (1 1/2) miles of the high water mark of a surface public water supply if the poultry feeding operation is located within the watershed for the public water supply,

b. one (1) mile of any designated scenic river area as specified by the Scenic Rivers Act,

c. one (1) mile of a public drinking water well, and

d. one (1) mile of a water body specified as Outstanding Resource Waters that has recreational or ecological significance as outlined by the most current Water Quality Standards promulgated by the Oklahoma Water Resources Board.

HISTORICAL DATA

Added by Laws 2002, HB 2349, c. 65, § 1, eff. September 1, 2002.

Citationizer® Summary of Documents Citing This Document

None Found.

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Article Article 10

Section 10-9-9 - Power to Designate Poultry Feeding Operation as Concentrated Animal Feeding Operation - Operation License.

Cite as: O.S. §. ____

A. In addition to the authority of the State Board of Agriculture to make designations of a concentrated animal feeding operation pursuant to Section 9-204.1 of Title 2 of the Oklahoma Statutes, the Board shall have the power to designate a poultry feeding operation as a concentrated animal feeding operation as defined by Section 9-202 of Title 2 of the Oklahoma Statutes subject to the provisions of the Oklahoma Concentrated Animal Feeding Operations Act after an administrative determination that an operation has violated or is unwilling to comply with any of the provisions of the Oklahoma Registered Poultry Feeding Operations Act, or any rule promulgated pursuant thereto whether or not the State Department of Agriculture determines the registered poultry feeding operation to be a significant contributor of pollution to waters of this state.

B. In order to protect the public health and safety and the environment of this state, the Board, pursuant to the Oklahoma Registered Poultry Feeding Operations Act, may require application for a concentrated animal feeding operation license to establish and operate a poultry feeding operation on and after the effective date of this act to any person or other legal entity which:

1. Is not in substantial compliance with a final agency order or any final order or judgment of a court of record secured by any state or federal agency relating to poultry feeding operations; or
2. Has evidenced a reckless disregard for the protection of the public and the environment as demonstrated by a history of noncompliance with environmental laws and rules resulting in endangerment of human health or the environment.

C. Any action taken in regard to the denial, suspension or revocation of a license shall be in conformity with the rules of the Board governing administrative procedures and with the Administrative Procedures Act.

D. The Board shall promulgate rules which will provide a procedure whereby any poultry operation which has been designated a concentrated animal feeding operation pursuant to this section may have such designation removed. The rules shall require satisfactory evidence that such designation is no longer necessary in order to ensure that the operation will comply with all provisions of the Oklahoma Registered Poultry Feeding Operations Act and will not contribute to pollution of the waters of this state.

Historical Data

Laws 1998, c. 232 § 9, eff. July 1, 1998.



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Article Article 10

Section 10-9.10 - Investigation of Complaints.

Cite as: O.S. §. ____

A. 1. a. The State Board of Agriculture or its authorized agents are empowered to enter upon the premises of any poultry feeding operation for the purpose of investigating complaints as to the operation or to determine whether there are any violations of the Oklahoma Registered Poultry Feeding Operations Act.

b. This section shall not be construed to authorize the Board or its agents to violate any provision of the United States Constitution or the Oklahoma Constitution relating to unlawful search or seizure.

2. a. Registration of a poultry feeding operation pursuant to the Oklahoma Registered Poultry Feeding Operations Act shall be deemed to constitute consent for entry upon the premises of such operation by the Board or its agents for the purpose of implementing the provisions of this subsection.

b. The State Department of Agriculture shall make at least one inspection per calendar year of every poultry feeding operation registered pursuant to the Oklahoma Registered Poultry Feeding Operations Act.

B. 1. The Board shall promulgate standard precautions for the prevention of the transmission of communicable diseases to humans and animals to be used by employees of the Department when inspecting poultry feeding operations pursuant to their official duties specified by the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.

2. Except for emergency situations or when enforcement of the provisions of the Oklahoma Registered Poultry Feeding Operations Act requires the use of the standard precautions as promulgated by the Board pursuant to paragraph 1 of this subsection, Department employees shall observe the health standards and sanitary requirements of the facility.

C. The Board shall maintain necessary records and undertake such studies, investigations and surveys for the proper administration of the Oklahoma Registered Poultry Feeding Operations Act.

Historical Data

Laws 1998, c. 232 § 10, eff. July 1, 1998.

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Chapter 1

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Article Article 10

Section 10-9.11 - Penalties for Violations.

Cite as: O.S. §. ____

A. 1. Any person violating the provisions of the Oklahoma Registered Poultry Feeding Operations Act shall, upon conviction, be guilty of a misdemeanor and may be punished by a fine not to exceed Two Hundred Dollars (\$200.00).

2. The Attorney General or the district attorney of the appropriate district court of Oklahoma may bring an action in a court of competent jurisdiction for the prosecution of a violation by any person of a provision of the Oklahoma Registered Poultry Feeding Operations Act or any rule promulgated thereunder.

B. 1. In addition to the criminal penalties specified by this section, the State Department of Agriculture may:

a. assess an administrative penalty of not more than Two Hundred Dollars (\$200.00) per day of noncompliance, or

b. bring an action for injunctive relief granted by a district court.

2. A district court may grant injunctive relief to prevent a violation of, or to compel compliance with, any of the provisions of the Oklahoma Registered Poultry Feeding Operations Act or any rule promulgated thereunder or order, registrations and certificates issued pursuant to the Oklahoma Registered Poultry Feeding Operations Act.

3. Nothing in this section shall preclude the Department from seeking penalties in district court in the maximum amount allowed by law. The assessment of penalties in an administrative enforcement proceeding shall not prevent the subsequent assessment by a court of the maximum criminal penalties for violations of the Oklahoma Registered Poultry Feeding Operations Act.

4. Any person assessed an administrative penalty may be required to pay, in addition to such penalty amount and interest thereon, attorneys fees and costs associated with the collection of such penalties.

C. 1. Any action for injunctive relief to redress or restrain a violation by any person of the Oklahoma Registered Poultry Feeding Operations Act, or for any rule promulgated thereunder, or order issued pursuant thereto, or recovery of any administrative penalty assessed pursuant to the Oklahoma Registered Poultry Feeding Operations Act may be brought by:

a. the district attorney of the appropriate district court of the State of Oklahoma,

b. the Attorney General on behalf of the State of Oklahoma, or

c. the Department on behalf of the State of Oklahoma.

2. The court shall have jurisdiction to determine the action, and to grant the necessary or appropriate relief, including but not limited to mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.

3. It shall be the duty of the Attorney General and district attorney if requested by the Commissioner of Agriculture to bring such actions.

D. Except as otherwise provided by law, administrative and civil penalties shall be paid into the State Department of Agriculture Regulation Revolving Fund.

E. For the purposes of the Oklahoma Registered Poultry Feeding Operations Act, each day upon which a violation is committed or is permitted to continue shall be deemed a separate offense.

F. Any contract poultry grower determined after notice and opportunity for a hearing by the Department as flagrantly disregarding Best Management Practices shall result in the Department notifying the integrator in Writing.

G. The Department shall notify all integrators of any violations assessed against an operator who is under a contract growing arrangement with that integrator and, upon the written request of the integrator, notify that integrator of all violations assessed an operator with whom the integrator contemplates entering into a contract.

H. In addition to other penalties as may be imposed by law, any person who knowingly makes any false statement, representation or certification form, notice or report, or who knowingly renders inaccurate any monitoring device or method required to be maintained by any rule promulgated by the Board, shall, upon conviction, be guilty of a misdemeanor and may be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) for each such violation.

Historical Data

Laws 1998, c. 232 § 11, eff. July 1, 1998.

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Article Article 10

Section 10-9.12 - Promulgation of Rules for Administration of Act - Violations Points System.

Cite as: O.S. §. ____

A. The State Board of Agriculture after consideration of comments by the rule advisory committee shall promulgate rules for the administration, implementation and enforcement of the Oklahoma Registered Poultry Feeding Operations Act.

B. 1. The State Board of Agriculture shall promulgate a violation points system for persons violating the Oklahoma Registered Poultry Feeding Operations Act which provides that:

- a. violations involving the greatest harm to the natural resources of the state, ground or surface water quantity or quality, public health or the environment shall receive the most points and shall be considered significant violations,
- b. violations that are committed willfully or intentionally shall be considered significant violations,
- c. the number of points received shall be directly related to the degree of negligence or willfulness,
- d. the commission of three significant violations, or the commission of lesser violations that result in a predetermined cumulative number of points, within a limited period of time of not less than two (2) years shall result in the mandatory designation of the registered poultry feeding operation as a concentrated animal feeding operation subject to the Oklahoma Concentrated Animal Feeding Operations Act, and
- e. the commission of one significant violation that results in serious harm may result in the designation of the poultry operation as a concentrated animal feeding operation subject to the Oklahoma Concentrated Animal Feeding Operations Act.

2. In developing the violation points system pursuant to this subsection, the Board shall determine the:

- a. number of points that lesser violations must cumulatively total to result in the designation of the poultry operation as a concentrated animal feeding operation subject to the Oklahoma Concentrated Animal Feeding Operations Act,
- b. limited period of time during which the commission of three significant violations, or the commission of a greater number of lesser violations, will result in the administrative action. The limited period of time shall not be less than two (2) years.

c. duration of the registration revocation, and

d. conditions under which the person whose registration is revoked may reapply for another registration pursuant to the Oklahoma Registered Poultry Feeding Operations Act.

C. For the performance of its duties and responsibilities, the Board is authorized to employ such personnel and agents as may be required within the funds available.

Historical Data

Laws 1998, c. 232 § 12, eff. July 1, 1998.

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None Found.

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None Found.

OKLAHOMA
POULTRY FEEDING
OPERATION
REGISTRATION
APPLICATION

Form # 007351751
Rev. 04/03

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
Agricultural Environmental Management Services

PO Box 528804
Oklahoma City, Oklahoma 73152-8804
Phone: (405) 522-5998 Fax: (405) 522-6357

POULTRY FEEDING OPERATIONS REGISTRATION APPLICATION

_____ **Registration Fee \$10 (Ten Dollars) Paid**

_____ **Mandatory Registration**

_____ **Renewal**

_____ **Re-registration of Expanding Operation (Excess of ten percent of original registered capacity)**

_____ **Voluntary Registration**

_____ **County (Facility Location)**

1. Owner (Requires Completion)

Name _____

Address _____

City _____

State _____ Zip _____

Phone() _____ - _____

2. Operator (Must complete if different than owner)

Name _____

Address _____

City _____

State _____ Zip _____

Phone() _____ - _____

3. Operation (Requires Completion)

Name _____

Contact Person _____

Address _____

City _____

State _____ Zip _____

Phone() _____ - _____

4. Integrator (Requires Completion)

Name _____

Contact Person _____

Address _____

City _____

State _____ Zip _____

Phone() _____ - _____

Form # 007351751
Rev. 04/03

Driving directions to operation stated from an identifiable intersection in the nearest town.

Description of Operation

Number of houses _____

Total capacity of houses _____

Type of Birds	No. of Birds
<input type="checkbox"/> Layers	_____
<input type="checkbox"/> Broilers	_____
<input type="checkbox"/> Other	_____
Specify _____	_____

THE FOLLOWING INFORMATION MUST ACCOMPANY THE POULTRY FEEDING OPERATION REGISTRATION APPLICATION. (Contact your local NRCS office for assistance)

1. A diagram or map and legal description showing geographical location of the facility on which the perimeters of the facility are designated, location of waters of the State including but not limited to drainage from the facility, poultry waste storage facilities, and land application sites owned or leased by the applicant or which the applicant has contracted with for the application of poultry waste.
2. A copy of the Animal Waste Management Plan or proof of application for such plan, Best Management Practices, Carcass Disposal Plan, or any other plans authorized by the State Department of Agriculture.
3. A Statement of Ownership.
 - a. If the applicant is a corporation, the name and address of the corporation and the name and address of each officer and registered agent of the corporation.
 - b. If the applicant is a partnership or other legal entity, the name and address of each partner and stockholder with an ownership interest of 10% (ten percent) or more.
 - c. Indicate if not applicable.
4. Environmental History, Records, and Awards
 - a. An environmental history from the past three years of any poultry feeding operation established and operated by the applicant or any other operation with common ownership in this state or any other state. Such environmental history shall include but not be limited to all citations, administrative orders or penalties, civil injunctions or other civil actions, criminal actions, past, current and ongoing, taken by any person, agency, or court relating to noncompliance with any environmental law, rules, agency, order, or court action relating to the operation of a poultry feeding operation.
 - b. A copy of all records relating to the environmental history of the poultry feeding operation.
 - c. Environmental awards or citations received or pollution prevention or voluntary remediation efforts undertaken by the applicant.
 - d. Indicate if not applicable.

Form # 007351751
Rev. 04/03

OATH as required by Senate Bill 1170, Section 5(B).

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision by qualified personnel. Based upon my inquiry of the person or persons directly responsible for gathering data, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false, inaccurate, or incomplete information including the possibility of a fine of not more than ten thousand dollars for each violation."

If the poultry feeding operation is owned by a corporation, the principal executive officer is required to sign the application. For all other legal entities, the contract grower is required to sign the application.

Name _____ Title _____

Signature _____ Date Signed _____

State of _____ County of _____

Subscribed and sworn before me on _____, _____.

My commission expires on _____, _____.

Signature of Notary Public _____

Title 2 O.S., Section 10-9.3

- A. 1. It shall be unlawful for any person to construct or operate a new poultry feeding operation without having first registered with the State Board of Agriculture.**

Note: Once the registration has been received, reviewed and subsequently approved by the Oklahoma Department of Agriculture, then and only then can construction commence.



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Chapter 1

Agricultural Code - Oklahoma Poultry Waste Transfer Act

Article Article 10

Section 10-9.13 - Oklahoma Poultry Waste Transfer Act.

Cite as: O.S. §. ____

A. Sections 13 through 15 of this act shall be known and may be cited as the "Oklahoma Poultry Waste Transfer Act". The purpose of this act shall be to encourage the transfer of poultry waste out of designated nutrient-limited watersheds and nutrientvulnerable groundwater as designated in the most recent Oklahoma's Water Quality Standards.

B. The State Department of Agriculture shall develop a plan to encourage the transfer of poultry waste out of designated nutrient-limited watersheds and nutrient-vulnerable groundwater as designated by the most recent Oklahoma's Water Quality Standards.

Historical Data

Laws 1998, c. 232 § 13, eff. July 1, 1998.

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Chapter 1

Agricultural Code - Oklahoma Poultry Waste Transfer Act

Article Article 10

Section 10-9.14 - Creation of Poultry Waste Transfer Fund.

Cite as: O.S. §. ____

A. There is hereby created in the State Treasury a fund for the State Department of Agriculture to be designated as the Poultry Waste Transfer Fund. The fund shall be a continuing fund not subject to fiscal year limitations and shall consist of

1. All monies received by the Department for implementing the purpose of the provisions of the Oklahoma Poultry Waste Transfer Act;
2. Interest attributable to investment of money in the Poultry Waste Transfer Fund; and
3. Money received by the Department in the form of gifts, grants, reimbursements, or from any other source intended to be used for the purposes specified by or collected pursuant to the provisions of the Poultry Waste Transfer Fund.

B. The monies deposited in the Poultry Waste Transfer Fund shall at no time become monies of the state and shall not become part of the general budget of the Department or any other state agency. Except as provided for in this section, no monies from the Poultry Waste Transfer Fund shall be transferred for any purpose to any other state agency or any account of the Department or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense.

Historical Data

Laws 1998, c. 232 § 14, eff. July 1, 1998.

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Chapter 1

Agricultural Code - Oklahoma Poultry Waste Transfer Act

Article Article 10

Section 10-9.15 - Report Detailing Administration of Oklahoma Poultry Waste Transfer Act.

Cite as: O.S. §. ____

The State Department of Agriculture shall file a report with the Legislature and the Governor detailing the administration of the Oklahoma Poultry Waste Transfer Act and its effectiveness in bringing about the prevention of water pollution in this state. The first report shall be filed no later than December 31, 1999. Subsequent reports shall be filed every three (3) years thereafter.

Historical Data

Laws 1998, c. 232 § 15, eff. July 1, 1998.

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Chapter 1

Agricultural Code - Oklahoma Poultry Waste Applicators Certification Act

Article Article 10

Section 10-9.16 - Oklahoma Poultry Waste Applicators Certification Act.

Cite as: O.S. §. ____

Sections 16 through 21 of this act shall be known and may cited as the "Oklahoma Poultry Waste Applicators Certification Act".

Historical Data

Laws 1998, c. 232 § 16, eff. July 1, 1998.

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Agricultural Code - Oklahoma Poultry Waste Applicators Certification Act

Article Article 10

Section 10-9.17 - Certificate Requirement.

Cite as: O.S. §, ____

A. It shall be unlawful and a misdemeanor punishable by a fine of not more than Five Thousand Dollars (\$5,000.00) for any person to act, operate, or do business or advertise as a commercial poultry waste applicator or to land apply poultry waste as a private poultry waste applicator unless such person has obtained a valid applicator's certificate issued by the State Board of Agriculture.

B. Applicator's certificates shall be issued by the Board, to applicants who qualify under the provisions of the Oklahoma Poultry Waste Applicators Certification Act.

C. Certificates shall be issued only upon application therefor to the Board on a form of application prescribed by the Board. The application shall contain information regarding the applicant's qualifications and proposed operations and such other information as may be specified by the Board.

D. A certificate shall be issued only after satisfactory completion of such certification standards as determined by the Board.

E. 1. All commercial applicator certificates shall expire on the thirty-first day of December following their issuance or renewal, and may be renewed for the ensuing calendar year, without penalty, if a properly completed application is filed with the Board not later than the first day of January of each year. A registration fee of Fifteen Dollars (\$15.00) shall accompany every initial application for certification. A renewal fee of Fifteen Dollars (\$15.00) shall accompany every renewal application.

2. All private applicator certificates shall be in effect for five (5) years and may be renewed by application. A registration fee of Fifteen Dollars (\$15.00) shall accompany every initial application for certification. A renewal fee of Fifteen Dollars (\$15.00) shall accompany every renewal application. The Fifteen Dollar (\$15.00) registration and renewal fee shall be waived if the private applicator is also registered pursuant to the Oklahoma Registered Poultry Feeding Operations Act.

3. All such fees shall be deposited in the Agriculture Regulation Revolving Fund to be used for the purpose of implementing the provisions of the Oklahoma Registered Poultry Feeding Operations Act and the Oklahoma Poultry Waste Applicators Certification Act.

Historical Data

Laws 1998, c. 232 § 17, eff. July 1, 1998; Amended by Laws 2000, SB 1424 c. 367. § 126, eff. June 06,2000 (superseded document available).


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Section 10-9.18 - Annual Report of Certified Poultry Waste Applicator.

Cite as: O.S. §, ____

A. Every certified poultry waste applicator shall file by December 31 of each year an annual report with the State Department of Agriculture regarding all poultry waste land-applied by such applicator for the period from July 1 of the previous year through June 30 of that year. Such report shall contain the following information:

1. The legal description and conservation district where the poultry waste was produced;
2. The legal description and conservation district where the poultry waste was land applied;
3. Date of each application;
4. Total and per acre amount of each application;
5. Name and address of the person for whom poultry waste was applied;
6. The most recent soil test results obtained; and
7. Such other information as may be required by the State Board of Agriculture.

B. The Department shall promulgate and make available forms to be used in making such report.

C. Applicators who seek to obtain a renewal certificate shall submit the report with their application for renewal. No renewal certificate may be issued without submission of this report.

D. The State Department of Agriculture shall provide such reports to the Oklahoma Conservation Commission. The Commission shall publish an annual report containing the following information:

1. The total amount of poultry waste produced in each conservation district; and
2. The total amount of poultry waste land applied by a certified applicator when land applied in each conservation district.

E. The Commission shall submit copies of the report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives by March 1 of each year. Copies of such reports shall be made available to all federal, state and local cooperating agencies and to the general public.

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Agricultural Code - Oklahoma Poultry Waste Applicators Certification Act

Article Article 10

Section 10-9.19 - Poultry Waste - Soil and Poultry Waste Tests - Records.

Cite as: O.S. §, __ __

1. Prior to any land application of poultry waste by a certified poultry waste applicator, the applicator shall obtain the most recent soil and poultry waste tests as required by the Oklahoma Poultry Waste Applicators Certification Act.
2. Land application of poultry waste in a non-nutrient-limited watershed and non-nutrient-vulnerable groundwaters shall not be made at any rate which exceeds the most recently published United States Department of Agriculture Natural Resources Conservation Service Waste Utilization Standards.
3. The State Department of Agriculture may promulgate rules pursuant to the Administrative Procedures Act which will prohibit the land application of poultry waste in nutrient-limited watersheds and nutrient-vulnerable groundwaters based upon lower soil phosphorous levels than are allowed in this section for non-nutrient-limited watersheds and non-nutrient-vulnerable groundwaters.

Historical Data

Laws 1998, c. 232 § 19, eff. July 1, 1998; Amended by Laws 2000, SB 1424 c. 367. § 127, eff. June 06,2000
 (superseded document available).

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Section 10-9.19a - Land Application of Poultry Waste

Cite as: O.S. §. ____

Land application of poultry waste, whether performed by a private or commercial poultry waste applicator, shall comply at all times with the provisions set forth in:

1. The Animal Waste Management Plan, if application is conducted on land operated by a registered poultry operation; and
2. The Conservation Plan, if application is conducted on land operated by entities not regulated pursuant to the Registered Poultry Feeding Operations Act and is located in a nutrient-limited watershed.

Historical Data

Added by Laws 2002, HB 2349, c. 65, § 2, eff. September 1, 2002.

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Section 10-9.20 - Administration and Enforcement of Act's Provisions.

Cite as: O.S. §. _____

A. The State Department of Agriculture shall administer and enforce the provisions of the Oklahoma Poultry Waste Applicators Certification Act and shall promulgate rules and standards for the application of poultry waste, work performance, the certification of applicators of poultry waste, recertification of applicators, procedures and best management practices.

B. The State Board of Agriculture shall have the authority to negotiate reciprocal agreements with the federal government or any state, or any department or agency of either for the purpose of fulfilling the intent of the Oklahoma Poultry Waste Applicators Certification Act.

C. The Department may take samples of poultry waste and soil at application sites in order to determine their concentration. The work of each applicator may be inspected at the application site of each applicator to determine whether or not the work is performed according to the provisions of the Oklahoma Poultry Waste Applicators Certification Act.

Historical Data

Laws 1998, c. 232 § 20, eff. July 1, 1998.

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Article Article 10

Section 10-9.21 - Suspension, Cancellation, Denial or Revocation of Certificate - Reasons.

Cite as: O.S. §, _____

A. Any certificate issued pursuant to the Oklahoma Poultry Waste Applicators Certification Act may be suspended, canceled, denied, or revoked by the State Department of Agriculture after notice and an opportunity to be heard has been given to the holder of the certificate.

B. Suspension, cancellation, denial or revocation of a certificate may be made if the Department finds the holder of the certificate:

1. Has used methods of poultry waste not suitable or safe for the land application site for which they shall have been employed;
2. Has failed or refused to furnish the Department, upon request, true information regarding methods and safety measures used, work performed, or other information deemed essential by the Department, or has made any false statement or representation in such person's application for issuance or renewal of a certificate;
3. Has violated any state law, rule, or standard prescribed or order issued by the State Board of Agriculture;
4. Has failed or refused to file annual reports as specified in the Oklahoma Poultry Waste Applicators Certification Act;
5. Has failed to perform work according to minimum standards authorized by the Oklahoma Poultry Waste Applicators Certification Act;
6. Has acted, operated, done business, or advertised as a commercial applicator without having obtained a valid certificate issued by the Department;
7. Has acted or operated as a private applicator without having obtained a valid private poultry waste applicator certificate issued by the Department; or
8. Has been convicted in any court of a violation of the Oklahoma Poultry Waste Applicators Certification Act.

Historical Data

Laws 1998, c. 232 § 21, eff. July 1, 1998; Amended by Laws 2000, SB 1424 c. 367. § 128, eff. June 06, 2000